THE LIBYAN PENAL CODE

Unofficial Translation by

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Former President of the Court of Appeals
Of Cyrenaica

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THE LIBYAN PENAL CODE

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CHAPTER 1.

LAW NO.48/56 AMENDING CERTAIN PROVISIONS OF THE PENAL CODE

The Senate and the House of Representatives have passed the following law which we, Idris I, King of the United Kingdom of Libya, have sanctioned and do hereby promulgate:

ARTICLE I: In the following articles of the penal code the word 'detention' shall replace the word 'imprisonment':-

184 para. 1, 204 last para., 205 para. 1, 206 para. 3, 229, 250 para. 1, 270 para. 3, 283 para. 1, 351, 358 para. 1, 364, 366, 464 para. 1 and 465 para. 1.

ARTICLE II: In the following articles of the penal code the minimum limit of the penalty of imprisonment shall be 3 years:-

167 para. 1, 168 paras. 1 & 2, 172 para. 1, 173 para. 1, 174 para. 1, 180 para. 1, 184 last para., 192, 219, 243 para. 2, 301 para. 1, 302 para. 1, 321 paras. 1 & 2, 329 para. 1, 341, 361 para. 1, 362 para. 1, 403, 416 para. 1 and 419.

ARTICLE III: In the following articles of the penal code the maximum limit of the penalty of detention shall be one month and the maximum limit of the fine shall be ten pounds:-

469 para. 1, 470, 475, 483 para. 2, 488, 489 para. 1 and 491.

ARTICLE IV: The heading of Book IV of the penal code shall be amended to read as follows:-

In all headings of the said Book IV the words 'other misdemeanours and contraventions' shall replace the words 'other contraventions'.

ARTICLE V: In the following articles of the penal code the words 'vicious criminals' shall replace the words 'savage criminals'; 'vicious criminal tendency' shall replace 'savage criminal tendency' and 'vicious and criminal' shall replace 'savage and criminal':-

34, 43 item 1, 106 para. 4, 132, 136, 145 and 148.

ARTICLE VI: The following articles of the penal code shall be revoked:-

32, 38, 89, 96 para. 4, 271, 278 last para., 451, 452 and 499.

ARTICLE VII: The following articles shall be added to the penal code:-

29R, 70R (a), 70R (b), 103R (a), 103R (b), 151R (a), 151R (b), 153, 227, 228, 229R (a), 229R (b), 398R (a), 398R (b), 398R (c), 417R (a), 417R (b), 417R (c), 465R (a) and 465R (b).

This shall be according to the provisions mentioned in the first schedule attached hereto.

ARTICLE VIII: In accordance with the second schedule attached hereto, the following articles of the penal code shall be amended:-

21, 22, 29, 33, 35, 36, 37, 42, 45, 54, 55, 58 para. 4, 60, 61, 70, 71 para. 1, 73, 77, 81 para. 1, 82 para. 1, 84, 87 para. 1, 91, 97, 100, 108, 110, 111, 112, 114, 152 item 1, 176

ARTICLE VIII CONTINUED: 197 para 2, 198, 206 paras. 3 & 4, 211, 212, 214, 217, 218 para. 1, 220, 222, 226, 228, 230, 231, 233, 234, 235, 236, 238 para. 1, 243 para. 3, 244, 245, 246 para. 1, 247, 248, 249, 252 para. 1, 253, 254, 257, 258 paras. 2 & 3, 262, 263, 264, 265, 266, 270, 272, 276, 279, 280, 281, 291, 292, 293, 294, 296 para. 1, 297, 298 para. 2, 299, 300, 303, 304, 305 para. 1, 306 para. 1, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 321 para. 3, 323, 328 para. 1, 330, 331 para. 1, 334, 344, 347, 348, 360 para 2, 365, 372 para. 1, 373, 374, 375, 377, 378, 379 para. 1, 380, 381, 382, 384, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 397 para. 2, 398, 402, 404, 405, 406, 407, 408, 409, 410, 411, 415 para. 1, 417, 418 para. 1, 428, 429, 430, 438 last para., 439 para. 1, 443, 444, 445, 446, 447, 448, 449, 450, 457, 461, 462, 463, 466, 471 para. 1, 472, 477, 478, 480, 482, 485, 490, 492 para. 1, 493, 504, 505 para. 1, 506.

ARTICLE IX: All cases relating to the articles in which the word 'detention' has replaced the word 'imprisonment' according to the law, and which cases are at present before the courts of assizes or have been transferred to them, shall be transmitted in the same category to the concerned summary courts unless they have been detained for delivery of judgment.

ARTICLE X: From the date this law comes into force, the penal code revoked by Article 1 of the Royal Decree dated 18th November 1953, by which the present penal code

was promulgated, shall be understood to have meant the following:-

1) The Italian penal code;

2) Proclamations issued by the British Administration replacing all or some of the Italian penal code.

ARTICLE XI: The special penal legislations which were issued before the Libyan Penal Code promulgated on 18th November 1953 came into force shall remain in force within the boundaries of the province in which they were promulgated, unless such legislations violate the provisions of the penal code.

ARTICLE XII: Concerning previous legislations, i.e. before this law comes into force, the following alterations shall be made:-

a) If the penalty is imprisonment for a period not exceeding 3 years, the word 'detention' shall replace the word 'imprisonment'.

b) If the penalty of detention is for a period exceeding 3 years, the word 'imprisonment' shall replace the word 'detention'.

ARTICLE XIII: Penal judgments delivered before the Libyan code came into force, including penalties restricting freedom for crimes punishable by law by a penalty not exceeding 5 years, whether such penalties were detention or imprisonment, led to judgments of recidivism, forfeiture, rehabilitation and all other legal consequences concerning misdemeanours. If the penalty exceeded 5 years, whether

ARTICLE XIII CONTINUED: detention or imprisonment, the crime should be considered to be a felony concerning the execution of the said legal consequences resulting from the judgment.

ARTICLE XIV: The Ministry of Justice shall carry out this law which shall come into force 30 days after the date of its publication in the Official Gazette.

IDRIS --- At Dar es-Salaam on 18th Saafa 1376
equivalent to 23rd September 1956.

By Order of the King.

Khalil el-Gallal.
Acting Premier.

Abdel Rahmann.
Acting Minister of Justice

SUPPLEMENT NO. 1:

Article 29R: Whenever the law provides that the penalty may be increased or decreased within a specified limit for an aggravating or extenuating circumstance, the increase or decrease shall come within the estimation of the penalty imposed by the judge unless the law provides otherwise.

Article 70R (a): The right of lawful defence shall not justify resistance to public officials when they are carrying out their duties in good faith, by order, according to their respective duties and offices, even though they may be exceeding the limits of their office, unless there is fear that their acts may

cause death or serious injuries and that fear is based on reasonable grounds.

Article 70R (b): The right of lawful defence shall not justify intentional killing unless its aim was to prevent the following:-

i) An act which it is feared may cause death or serious injuries, if that fear is based on reasonable grounds.

ii) An act of carnal connection or indecent assault by violence or threat.

iii) The abduction of someone.

iv) A theft of the specified thefts of felonies.

v) The entering by night of an occupied house or one of its offices.

Article 103R (a): In cases where the law provides for a heavier penalty for a plurality of offenders, it shall be established that the accomplice was present amongst this plurality at the time of commission of the crime.

Article 103R (b): If one judgment was imposed on a group of accused for one crime, whether they were offenders or accomplices, fines shall be imposed upon them individually and they shall also be collectively responsible for payment of the proportional fine.

SUPPLEMENT NO.1 - Continued:

Article 151R (a): In the case of the handing over of a juvenile according to Article 151 to other than his parents, or to those who are responsible for his expenses, it is the duty of the judge to oblige the person legally responsible for the expenses to pay all or some of such expenses if the latter is sufficiently solvent.

If the juvenile himself has money, the judge should order that all or part of his expenses be paid from his own funds. In either case the judge should specify the amount and the dates of payment.

Article 151R (b): If it has been ordered that a juvenile be handed over to his parents or to those who are responsible for his education and care according to Article 151, and during the year following the date of the order of handing over the juvenile commits an offence, the person to whom he was handed over shall be fined an amount not exceeding L.L.50 if the second crime was a felony and not exceeding LL.20 if it was a misdemeanour.

Article 153R: The period of supervision of freedom shall be not less than 1 year unless the law provides otherwise, taking into consideration Article 151 relating to supervision of juveniles.

SUPPLEMENT NO.1 - Continued:

Article 227R: If the aim of a bribe is the committal of an act punishable by law by a heavier penalty than that decided for bribery, the penalty shall be the one decided for that act together with the fine decided for bribery.

Article 228R: The briber or intermediary shall be exempt from penalty if he informs the Authority of the crime before its commission or before taking any action himself. If this information is given after action has been taken, this should lead to the guilt of the other offenders.

Article 229R (a): Whoever takes or accepts a gift or benefit with the intention of handing it to another, while having knowledge of the reason for this gift or benefit, shall be punished by detention for a period not exceeding 1 year and a fine of not less than LL.20 and not exceeding LL.100. This applies to the person who does not carry out the complete act of intermediation concerning a bribe.

Article 229R (b): Any public official asking or accepting, either for himself or another, a gift or a promise of anything, without the knowledge or consent of his employer, on the understanding that he carry out or prevent one of the acts of his duties shall be punishable by detention.

SUPPLEMENT NO.1 - Continued:

Article 398R (a): Any person against whom a judiciary judgment has been delivered requiring maintenance payments by him to his wife, or his ascendants or descendants, or his brothers, or payment of custodian's fees or wet nurse's hire or rent of a house, and who fails to pay when he is able to do so during a period of one month after being warned, shall be punished by a period of detention not exceeding 1 year.

If, after the judgment, a second case is instituted against him for this offence, the punishment shall be a period of detention not less than 3 months and not exceeding 2 years.

In all cases, if the convicted person pays the accumulated outstanding amount or offers a guarantee acceptable to the other party concerned, the penalty shall not be executed.

Article 398R (b): Whoever fails to hand over a juvenile to another who has the right to ask this according to a judicial judgment or a decision delivered concerning custodianship or maintenance, shall be punished by a period of detention not exceeding 1 year or a fine not exceeding LL.50. The same punishment shall be imposed upon whoever, himself or through another person, abducts a juvenile

SUPPLEMENT NO. 1 - Continued:

although he might have the right of custodianship or maintenance according to the judgment or decision, even though the abduction was not carried out by fraud or violence.

Article 398R (c): No case shall be instituted concerning offences mentioned in Articles 396, 397, 398, 398R (a) and 398R (b) except by complaint submitted by the prejudiced party.

Article 417R (a): Any woman practising prostitution as a means of livelihood or for gain shall be punished by a period of detention not less than 1 year. Whoever opens or manages a house for the purpose of prostitution, or who helps in any manner whatsoever, shall be punished by a period of detention not less than 1 year and a fine of not less than LL.100 and not exceeding LL.300. Also, the place shall be closed and all equipment and furniture shall be confiscated.

A place shall be considered as a place of prostitution and immorality if it is commonly used for this purpose.

Article 417R (b): The following persons shall be punished by detention for a period of not less than 3 months and a fine of not less than LL.25 and not exceeding LL.300:-

(a) Whoever lets or offers in any manner whatsoever a house or other place for

the purpose of immorality or prostitution, or for one or more persons to live in and exercise prostitution and immorality, whilst having knowledge of this;

(b) Whoever possesses or manages a furnished house or room or a public place open to the public shall be considered to have facilitated prostitution or immorality whether he does this by accepting people for this purpose or by allowing on his premises incitement to prostitution or immorality.

Article 417R (c): The provisions of the two preceding articles shall only be applied to places concerning which a decision has been taken by the Council of Ministers after the approval of the province concerned.

Article 465R (a): Whoever receives or hides stolen property or any property obtained by any means from a felony or a misdemeanour, having knowledge of this, or who helps another to obtain some of the said property, shall be punished by detention for a period not exceeding 2 years.

If the offender knows that the property which he has received or hidden is the result of a crime carrying a heavier

SUPPLEMENT NO.1 - Continued:

penalty, then the penalty for that crime shall be imposed upon him.

Article 465R (b): Whoever finds lost movable property and obtains it with the intention of keeping it in his possession shall be punished by detention for a period not exceeding 2 years.

SUPPLEMENT NO.2:

Article 21: Imprisonment is the confinement of a person in a place appointed for the purpose and his being made to work in the manner provided for by the prison regulation. Imprisonment shall not be less than 3 years and shall not exceed 15 years unless otherwise provided by law.

Article 22: Detention is the confinement of a person in a central or local prison for the period for which he is sentenced. This period shall not be less than 24 hours, nor more than 3 years unless otherwise provided by law.

Article 29: If there are extenuating circumstances in the case the judge may reduce the penalty or substitute another penalty for it in the following matters:-

Imprisonment for life instead of sentence of death.
Imprisonment instead of imprisonment for life.
Detention for a period not less than 6 months instead of imprisonment.

In all cases the judge is allowed, if the said circumstances have been fulfilled, to decrease the penalty of crimes and misdemeanours to half of the minimum limit prescribed by law.

Article 33: Interdiction from civil rights is of two kinds: perpetual and temporary. Perpetual interdiction debars the offender from the following rights and privileges unless the law provides otherwise:-

1) The right to vote for, or election to, any elected body, and from every other political right.

2) The right to retain any public office or to accept any public service unless it is compulsory service, or the retention of any qualification obtained in the capacity of public officer or in the public service.

3) The capacity to act as a trustee or guardian, though the appointment be temporary, and every other right pertaining to trusteeship or guardianship.

4) Academic degrees and dignities, titles, decorations and other public marks of honour.

5) Every honorific right attaching to any offices, services, degrees or titles, and from the qualities, dignities and decorations specified in the preceding numbers.

SUPPLEMENT NO.2 - Continued:

6) The capacity to assure or acquire any right, quality, service, title, degree, dignity, decoration or mark of honour, specified in the preceding numbers.

Temporary interdiction debars the offender from the capacity to enter upon, exercise or enjoy, while the interdiction lasts, the aforesaid rights, services, qualities, degrees or honours specified in the preceding numbers.

Article 35: Interdiction from the professions or arts debars the offender from the capacity to carry on, during the term of the interdiction, any profession, art, industry, commerce or trade, for which is required any special permit, qualification, authority or licence from any authority, and involves the revocation of any such permit, qualification, authority or licence.

Article 36:

1) Temporary interdiction provided for in the preceding article results from conviction of a crime or misdemeanour committed by abuse of power or abuse of any profession, art, industry, commerce or trade, or breach of the duties attached thereto.

2) Also, temporary interdiction shall deprive from retention of public office or trusteeship or guardianship; from judgment given in felony or misdemeanour which has been committed as a result of abuse of power or breach of the duties attached to the public office or guardianship or trusteeship.

3) Interdiction specified in the two preceding articles shall be for the period of execution of the penalty and another period following it as decided by the judgment, the second period being not less than 1 month and not exceeding 3 years in misdemeanours and not less than 1 year and not exceeding 5 years in crimes.

Article 37:

1) Any person sentenced to death is in a state of legal interdiction.

2) Any person sentenced to imprisonment for life or for a period not less than 5 years is in a state of legal interdiction for that term.

3) It is the duty of the convicted person to appoint a custodian to manage his property. If he does not appoint one the Court of First Instance, to which the residence of the convicted person belongs, should do so in accordance with a request submitted by the Parquet or the interested party. The court may order the appointed custodian to furnish a guarantee. The appointed custodian shall be subject to the court in all matters relating to the custody. The convicted person is not allowed to dispose of his property except by permit from the said court. Any promised obligation which has not taken the proceedings into consideration shall be considered null and the money involved

SUPPLEMENT NO.2 - Continued:

shall be repaid to the convicted person after termination of the penalty or upon his release. The custodian shall submit to him an account of his custodianship.

Article 42: Penalties restricting freedom are subject to the supervision of the judge and the Parquet.

Article 45: Convicted persons are entitled to remuneration for the work to which they are set during the course of the penalty, according to what has been decided by present legislation. Such amount shall not be the subject of reduction or mortgage.

Article 54: Misdemeanours are the offences punishable by the following penalties:-

Detention, the maximum period of which exceeds one month.

Fine, the maximum of which exceeds LL.10.

Article 55: Contraventions are the offences punishable by the following penalties:-

Detention, the maximum period of which does not exceed one month.

Fine, the maximum of which does not exceed LL.10.

Article 58 para. 4: For the penalty of death or imprisonment for life is substituted imprisonment for a period of not less than 10 years. The other penalties are reduced by an amount not exceeding one

third if the offender did not know of the pre-existing or contemporaneous causes of the act or if the supervening causes were independent of his act or omission, provided that these causes have major importance in the occurrence of the event.

Article 60: An attempt to commit a crime is punished with the penalties hereinafter mentioned, unless the law provides otherwise:-

By imprisonment for life if the penalty for the crime is death.

By imprisonment for not less than 8 years if the penalty for the crime is imprisonment for life.

In other cases the sentence is as laid down for the crime with a reduction of 50% of the maximum and minimum thereof.

Article 61: The penalty for an attempted misdemeanour is that laid down for the completed misdemeanour with a reduction of 50% of the maximum or minimum thereof.

Article 70: No one is liable to be punished who has done an act, being constrained thereto by the need to exercise his own right of lawful defence. This right allows a person to commit any act necessary for the prevention of the commission of crime which would cause injury to himself or to another, but this right shall no longer exist if it is possible to appeal to the members of public authority at the opportune moment.

SUPPLEMENT NO.2 - Continued:

Article 71
Para. 1: With due observation of the provisions of the preceding article a public official is not liable to be punished if, in order to perform a duty appertaining to his office, he uses or orders the use of arms or other means of physical coercion when constrained by the necessity to repel force or to overcome resistance against authority.

Article 73: When in order to commit any of the acts provided for by the preceding articles, the limits prescribed by law, or by the order of the authority, or imposed by necessity, are negligently exceeded, the provisions concerning negligent offences apply if the act is made a negligent offence by law.

Article 77: If several acts are committed in pursuance of one criminal intention then shall they be considered as one offence if they contravene the same provision of the law although they differ in gravity or were committed at different times but the penalty therefor shall be increased by one third.

Article 81
Para. 1: A juvenile who at the time of the commission of the offence had completed 14 years but had not completed the age of 18 years and had the capacity of conscience and volition is criminally responsible but the penalty is reduced by two thirds.

SUPPLEMENT NO.2 - Continued:

Article 84: Anyone who at the time he commits an act is by mental infirmity resulting from disease in such a state that his capacity of conscience and volition is greatly reduced, but not totally absent, is answerable for any offence he commits.

But in his case for the penalty of death the penalty of imprisonment for not less than 10 years shall be substituted, and for imprisonment for life shall be substituted imprisonment for not less than 5 years. Other penalties shall be reduced by two thirds.

Article 87 para 1: No one is criminally responsible who at the time of commission of the offence did not have the capacity of conscience and volition by reason of complete drunkenness resulting from chance or force majeure, or by consumption of any other substance without having knowledge of its nature.

Article 91: When the offence is committed under the influence of narcotic drugs the provisions of Articles 87, 88 and 90 shall be applied.

Article 97: In the conditions of recidivism provided for by the preceding article the penalty is increased to an extent not exceeding one third. If recidivism recurs the penalty must be increased to an extent not less than one fourth and not more than one half. In any event the period of imprisonment may not exceed 20 years.

SUPPLEMENT NO. 2 - Continued:

Article 100: Anyone is considered to be an accomplice who:-

1) Incites to the commission of the act constituting the offence if the act is done as the result of the incitement.

2) Supplies the offenders with arms or other instruments of any kind used in the commission of the offence with knowledge that they will be so used, or assists the offender or offenders in any other manner in acts preparatory to, or facilitating, or completing the commission of the offence.

3) Agrees with others to commit the offence and such offence was committed according to this agreement.

Article 108: The prescriptive period is interrupted by conviction, or by causation proceedings, or by investigation or trial. It is also interrupted by the criminal order, or by the proceedings of confrontation of the accused, or if he is officially notified of the interruption.

When more causes than one interrupt the period shall recommence from the date of the last proceedings.

Article 110: In articles of contravention in which the law does not provide an obligatory penalty of detention or adjudication of penalties other than a fine or detention reconciliation is permissible.

In cases where reconciliation is permissible it is the duty of the person who prepares the minute to submit such minute in the presence of the accused, and it shall be confirmed in the minute that this has been done.

Article 111: The accused who desires reconciliation must pay into the court treasury, or any other public treasury, within 10 days from the date of submission of reconciliation to him the sum of 50 piastres in cases punishable by law by penalties other than a fine, and the sum of 100 piastres in cases punishable either by detention or a fine by means of option.

The contravention shall be cancelled by the payment of the reconciliation amount.

Article 112: When imposing a penalty of detention for a period not exceeding one year or a fine, the court may at the same time order that the penalty be suspended for a period of 5 years. This period shall commence from the day on which the sentence becomes final.

The court may apply the provisions of the preceding paragraph to a juvenile whose age is less than 18 years and in the case of those who have attained the age of 70 years when sentencing them to a penalty not exceeding 2 years.

For the purpose of applying this procedure when sentencing to a penalty for which no period is appointed the basis to be adopted shall be the minimum penalty inflicted so long as the other conditions demanded by the law are present.

SUPPLEMENT NO.2 - Continued:

Article 114: The order for suspension is revoked if, during the period mentioned in Article 112, the following occur:-

1) If the offender commits a crime or a misdemeanour for which the penalty of restricting freedom for more than 1 month was imposed on him.

2) If a penalty restricting freedom for more than one month was imposed on him for committing a crime or a misdemeanour before delivery of the suspension order.

Article 152: Item 1: 1) At the time of sentence of imprisonment or detention for a period of more than 1 year.

Article 176: Whoever incites the troops to disobey the laws, or to be false to the oath they have taken, or to fail in the duty of their military discipline, or any other duty inherent in their position, or induces them to approve of acts contrary to the laws, to their oaths, to their discipline, or to any other military duties, shall be punished by a penalty of imprisonment for a period not exceeding 5 years, provided that the act does not constitute a graver offence. If the offence was committed publicly then the penalty shall be imprisonment for a period not exceeding 7 years. The penalty shall be doubled when the offence is committed in time of war.

SUPPLEMENT NO. 2 - Continued:

Article 197:
Para 2: Whoever makes, imports from abroad or obtains bombs or dynamite or other explosives with the intention of committing an act of the aforesaid acts shall be punished by imprisonment for a period not less than 5 years.

Article 198: Whoever intentionally destroys buildings, ammunition warehouses or other property of government properties shall be punished by imprisonment for life or imprisonment for a period not less than 5 years.

Article 206:
Paras. 3 & 4: Whoever takes part in any of the Associations referred to in the two preceding paragraphs shall be punished by a penalty of detention for a period not less than 6 months and by a fine which shall not be less than LL.50 and not exceeding LL.200.

Whoever, within the Kingdom of Libya, takes part in or joins in any of the aforesaid Associations having their headquarters outside the Kingdom of Libya shall be punished by a penalty of detention not exceeding 2 years and by a fine not exceeding LL.200.

Article 211: If several persons conspire to commit one of the intentional offences provided for by Chapters 1 & 2 of this Title, punishable under this Code by death, imprisonment for life or imprisonment, each person taking part in the said conspiracy shall be punishable by a penalty

SUPPLEMENT NO.2 - Continued:

of imprisonment for a period not exceeding 6 years if the offence is not committed, and a penalty of imprisonment for a period not exceeding 10 years in the case of the person who promoted the conspiracy.

Nevertheless the penalty shall not exceed half the penalty prescribed for the offence which is the object of the conspiracy.

Article 212: If an association of three persons or more is formed for the purpose of committing one of the offences mentioned under the preceding articles, the person who promotes, founds or organises the association shall be punished by a penalty of imprisonment for a period not exceeding 12 years and the leader thereof shall suffer the same penalty.

One who only took part in the association shall be punishable by a penalty of imprisonment for a period not exceeding 8 years.

The penalty shall be increased if the purpose of the association was to commit two or more of the said offences.

Article 214: Whoever harbours a person taking part in a prohibited armed band shall be punishable by a penalty of detention for a period not exceeding two years unless he is an accomplice in the crime.

The penalty shall be increased if the harbouring and supplying with provisions is continuous.

The penalty shall not be reduced if the offender is harboured or supplied with provisions by one of his kindred.

SUPPLEMENT NO.2 - Continued.

Article 217: Whoever prevents another, either wholly or partly, by force, threats or deceit, from the exercise of a political right shall be punished by a penalty of detention. The same penalty shall be applied to whomsoever compels another to exercise that right in a manner contrary to his will.

Article 218: part 1: Whoever, within the territory of Libya, attacks the life or safety of the Head of a Foreign State or makes a grave attack upon his personal liberty shall be punished by a penalty of imprisonment for life if the attack was upon life, and by imprisonment for a period not less than 5 years under the other abovementioned conditions.

Article 220: Whoever publicly attacks the honour or prestige of the Head of a Foreign State who is within the territory of Libya shall be punished by a penalty of a period of imprisonment not exceeding 5 years.

Article 222: Whoever, within the territory of Libya, in a public place, or a place open to the public, insults the official flag or emblem of a Foreign State while being used in conformity with the law of Libya shall be punished by a penalty of detention.

The same penalty shall be applied if the insult is against the flag or emblem of the United Nations, the Arab League or any other international body established by decision of the Minister of Foreign Affairs.

SUPPLEMENT NO.2 - Continued:

Article 226: Every public official who accepts for himself or for another a gift or a promise of anything to which he is not entitled, whether the same be money or any other benefit whatsoever, for the purpose of doing or not doing, delaying, or contravening his official duties shall be punished by a penalty of imprisonment for a period not exceeding 5 years and by a fine equalling the value of the gift he accepted or which was promised to him.

The same penalty shall be applied to the briber and to the intermediary who acts between the briber and the bribed person.

The penalty shall be detention if the public official accepts a gift for an official act which he has already done.

Article 228: If from the act provided for by Articles 226 and 227 a sentence results in imprisonment for life or imprisonment, then shall the penalty be imprisonment for a period not less than 6 years and a fine not less than LL.200.

If the result of the act is a sentence of death, then shall the penalty be imprisonment for life.

Article 230: Every public official who, by virtue of his office, service or mission, has in his possession money or any other movable property of the Public Administration or of a member of the public and who embezzles the same or

SUPPLEMENT NO.2 - Continued:

lays claim to the ownership thereof or invests another with the same shall be punished by a penalty of imprisonment for a period not exceeding 10 years and a fine double the value of the embezzled property.

Article 231: Every public official who by the abuse of his office compels or induces another to give him or another money or any other benefit to which he has no right shall be punished by a penalty of imprisonment not exceeding 12 years and a fine between LL.200 and LL.800. The penalty shall be detention for a period not less than 6 months if the public official receives the property, taking advantage of the error of another.

Article 233: Every public official who obtains for his personal benefit, either directly or by any other means, or by any fictitious acts, any advantage from any of the public administrative duties exercised by him by virtue of his office shall be punished by a penalty of detention for a period not less than 6 months.

Article 234: Every public official who employs his office for the purpose of staying the execution of orders issued by the Government or to stay the course of the laws or regulations in force or to delay the collection of goods or fees legally due or the execution of any sentence

SUPPLEMENT NO.2 - Continued:

or demand of a Court or the execution of any order issued by the appropriate Authority shall be punished by detention for a period not less than 3 months.

The same penalty shall be imposed on every public official who intentionally prevents the execution of a judgment or an order of those mentioned above, after the lapse of 10 days from the date of his warning by a bailiff, if the execution of the judgment or the order comes within his jurisdiction.

Article 235: Every public official who abuses the powers of his office to the benefit of another or to the detriment of another and where there is no special provision of criminal law applying to his act shall be punished by a penalty of detention for a period not less than 6 months.

Article 236: Every public official who in breach of the duties of his office, or by the abuse thereof, divulges official information which should remain secret, or who by any means whatsoever facilitates the divulging thereof shall be punished by a penalty of detention for a period not less than 6 months.

Article 238 para. 1: If three or more public officials, or official employees of the public utilities, abandon their offices, employment or service, or carry

on the same in such a manner as to disturb the continuity or regularity thereof, and this by reason of their agreement so to do, or by reason of their desire from so doing to forward a common purpose, each of them shall be punished by detention for a period between 3 months and 1 year and a fine not exceeding LL.100.

Article 243 para. 3: If the interference was against a special sale which was carried out in the interest of private persons under the supervision of a public official, or any other person authorised by law, the penalty decided by paragraph 1 shall be applied.

Article 244: Every public official attached to the Postal, Telegraphic or Wireless Service who conceals, stays or delays any correspondence or who, having seen the same, communicates it contents to another, shall be punished by detention for a period not less than 6 months.

For the purpose of this article "correspondence" shall include letters, telephonic conversations, telegrams, or any other means of communication.

If the aforesaid acts are committed by other persons, then the penalty shall be detention for a period not less than 6 months or a fine not exceeding LL.20 according to the complaint of the prejudiced party.

SUPPLEMENT NO.2 - Continued:

Artiole 245: Whoever insults a public official, or offers an indignity to him, while the said public official is engaged in his official duty, or as the result thereof, either by gestures, words, or threats, or by way of telegraph or telephone, or letters, or drawings sent to him, shall be punished by a penalty of detention for a period not exceeding 1 year.

The penalty shall be increased by not more than one half if the attack is directed against a judge during the course of a trial, or against any one of the members of a judicial or administrative body during the time that the said body is assembled.

The same penalty shall be applied if the attack is directed against the honour of a judicial or administrative body or against the respect to which it is due and this at the time the said body is assembled.

Artiole 246
part. 1: Whoever uses force or threats against any public official to compel him to do an act in breach of the duties of his office or of the duties of the service entrusted to him or to induce the said public official to refuse to do what is legally imposed upon him to do shall be punished by a penalty of detention not less than 6 months.

Artoiel 247: Whoever, by force or threats, resists any person charged with the public security or any other public official while he is performing the duties of his office shall be punished by a penalty of detention for a period not exceeding 2 years.

SUPPLEMENT NO.2 - Continued

The same penalty shall apply to whomsoever used force or threats against anyone who has been requested to give assistance by the person before-mentioned.

Article 248: If the acts provided for by the two preceding Articles are committed against an administrative or judicial body then the penalty shall be detention for a period not less than 1 year.

Article 249: The penalty prescribed by the three preceding Articles shall be increased to the extent of, but not exceeding, 50% if the force or threats are used by means of arms or by a masked person or a number of persons acting together or by means of an anonymous letter or by the use of symbols or by intimidation emanating from secret associations, real or pretended.

If the force or threats are used by 5 or more persons acting together and accompanied by the use of arms, even although by one only of those persons acting together, or if the number of persons exceeds 10, although unaccompanied by arms, then shall the penalty, under the conditions provided for by Article 246, para. 1, and Articles 247 and 248, be imprisonment for a period not exceeding 10 years, and in the conditions provided for by the second paragraph of Article 246 imprisonment for a period not exceeding 5 years.

SUPPLEMENT NO.2 - Continued:

Article 252
para. 1: Whoever breaks any seal affixed for the security of any place, or to prove identity, or for the protection of papers or any other goods, by legal process or by the administrative or judicial authorities shall be punished by a penalty of detention for a period not exceeding 1 year.

Article 253: Whoever, being entrusted with the custody of anything sealed, by his negligence facilitates the breaking of the seals or renders the same possible shall be punished by a penalty of a fine not exceeding LL.50.

If seals are put on documents or on the property of an accused in a felony, or of a person convicted of a felony, the penalty for the guard who is guilty of negligence shall be detention for a period not exceeding 1 year.

Article 254: Whoever embezzles, damages, disperses or deteriorates objects connected with an offence, or exhibits, documents, registers, or any other movable property relating to the Public Administration, the same being kept in a public office or delivered to a person legally deputed to have custody of the same, shall be punished by a penalty of detention for a period not less than 1 year, unless the acts constitute a graver offence. The penalty shall be imprisonment for a period not exceeding 6 years if the offence is committed by a public official who is in charge of the movable property.

SUPPLEMENT NO.2 - Continued:

Article 257: Whoever pretends to have influence with a public official and takes from another for himself or another, or induces another to give him or another, money or other advantage or obtains a promise thereof as the reward for his mediation with the said public official shall be punished by a penalty of detention and a fine of between LL.30 and LL.100.

Whoever takes for himself or for another money or other advantage or obtains the promise thereof under the pretence that the said money or other advantage must be used to obtain the favour of the public official and to reward him therefor shall be punished by the same penalty.

Article 258 paras. 2 & 3: The penalty shall be detention for a period not exceeding 2 years if the act relates to a crime the penalty for which is death, imprisonment for life, or imprisonment the maximum term of which is not less than 10 years.

The penalty shall be detention if the act has been committed by a marshal (judicial police), whatever the means by which he may have had knowledge of the crime.

Article 262: Whoever, even by anonymous letter or under an assumed name, accuses another of an act made by law an offence, knowing that the person he accuses is innocent, or who fabricates against such person evidence of an offence in such a

SUPPLEMENT NO.2 - Continued.

manner that penal proceedings may be instituted against the person so falsely accused if the complaint be made to the appropriate authority, even though the signature on the complaint or the allegation may be illegible or signed with a fictitious name, shall be punished by a penalty of detention.

The penalty shall be increased by an amount not exceeding one half if the accusation is of an offence punishable by death or imprisonment for life or the penalty for which is imprisonment exceeding 10 years.

The penalty shall be imprisonment for a period not exceeding 5 years if the accusation, or the fabrication of evidence alone, results in a sentence of imprisonment exceeding 5 years; if the sentence is imprisonment for life then shall the penalty be imprisonment for a period not exceeding 5 years.

If the sentence was death then shall the penalty be imprisonment for a period not exceeding 10 years.

Article 263: Whoever makes a declaration before the appropriate authority falsely accusing himself of an act made an offence by law, even though the accusation be made by means of an anonymous letter or under an assumed name or by a confession before the Judicial Authorities, in such a manner that penal proceedings may be instituted shall be punishable by a penalty of detention for a period not exceeding 2 years.

SUPPLEMENT NO.2 - Continued:

No penalty shall be imposed under the conditions set forth in the last paragraph of Article 258.

Article 264: If the false accusation or false self-accusation relates to an act made by law a contravention then shall the penalty be detention for a period not exceeding 1 month or a fine not exceeding LL.10.

Article 265: Whoever, being a party to a civil case, swears a false oath shall be punished by a penalty of detention for a period not exceeding 2 years. To the detention may be added a fine not exceeding LL.100.

Article 266: Whoever gives evidence before the Judicial Authorities and conceals, denies, or refuses to say, whether in whole or in part, what he knows of the facts on which he is interrogated shall be punished by detention for a period not exceeding 2 years.

If as the result of the offence a sentence of imprisonment for a period not exceeding 5 years is imposed then shall the penalty be detention; if the sentence is for more than 5 years then shall the penalty be imprisonment for a period not exceeding 7 years; if the false evidence results in a sentence of imprisonment for life then shall the penalty be imprisonment and a penalty of imprisonment for life shall be imposed if the false evidence results in a sentence of death.

SUPPLEMENT NO.2 - Continued

Article 270: Whoever, after the occurrence of a crime or misdemeanour, gives assistance to a person suspected of being the offender, or assists a person under arrest pending trial or one escaped from prison to conceal himself from the pursuit of the Authorities, or who prejudices the current investigation in respect of that person by hiding him, or by destroying evidence of the offence, or by giving false information, or by any other means, shall be punished by a penalty as hereunder:-

If the penalty decided for the offence which has been committed, or for which an offender has been arrested or imprisoned, is death or imprisonment for life, then the penalty shall be detention.

If the penalty decided for the offence is imprisonment, the penalty shall be detention for a period not exceeding 2 years.

In other cases the penalty shall be detention for a period not exceeding 1 year provided that the penalty does not exceed the maximum limit decided for the offence itself.

The Provisions of this Article shall apply even though the person assisted was not responsible or it is proved that he did not commit the offence.

No penalty shall be applied if the offence was committed in order to assist kindred.

Article 272: If any of the acts provided for in one of the two preceding Articles relates to a contravention the offender shall be punished by a penalty of fine not exceeding LL.2.

SUPPLEMENT NO.2 - Continued:

Article 276: Any advocate or agent in a judicial matter who falsely claims to have influence with a judge, the public prosecutor or witnesses, or an expert or interpreter, and as the result thereof takes for himself or another money from a client, or any advantage, or receives any promise therefor, the said taking or receiving being in consideration of his obtaining the assistance of one of the persons aforesaid, and also if he claims that it is necessary to reward them, shall be punished by a penalty of detention for a period not less than 6 months and a fine not less than LL.50 and not exceeding LL.200.

Article 279: Any person appointed to have the charge of a person in custody or to accompany him, or to transfer him and who assists or facilitates the escape of that person or who feigns negligence therein, shall be punished by a penalty of detention for a period not less than 6 months.

If the person in custody was under a sentence of death or imprisonment for life or was accused of a crime punishable by one of those two penalties then shall the penalty be imprisonment for a period not exceeding 7 years.

Article 280: Whoever enables a person in custody to escape or assists him to escape or facilitates his escape under conditions other than those already provided for shall be punished in accordance with the following provisions:-

SUPPLEMENT NO.2 - Continued:

If the person in custody was under a sentence of death or of imprisonment for life or was accused of a crime punishable by one of those two penalties, the penalty shall be imprisonment for a period not exceeding 5 years.

In other circumstances the penalty shall be detention.

Article 281: If ten or more convicts, or persons in lawful custody, openly revolt collectively or use force or incite other persons in custody they shall be punished by a penalty of detention for a period not less than 1 year if they reject or refuse to obey a warning given to them to return to order.

If for the commission of the offence advantage is taken of circumstances of a temporary, local, or personal nature so that the preservation of order is hindered or prevented, then shall the penalty be increased to an extent not exceeding one and a half times the normal penalty.

The penalty shall be imprisonment for a period not exceeding 5 years in respect of him who leads, organises, or takes a principal part in the insurrection.

Article 291: Whoever publicly attacks the Mohammedan religion which is the official religion of the State in accordance with the Constitution of the United Kingdom of Libya, or who blasphemes against God, Mohammed or the prophets,

SUPPLEMENT NO.2 - Continued:

shall be punished by a penalty of detention for a period not exceeding 1 year or of a fine not exceeding LL.50.

Article 292: Whoever violates the sanctity of tombs or cemeteries or desecrates or disturbs funeral rites or attacks a corpse shall be punished by a penalty of detention for a period not exceeding 1 year or of a fine not exceeding LL.50.

Article 293: Whoever mutilates, destroys or damages part of a corpse or disperses the remains shall be punished by a penalty of detention.

Article 294: Whoever conceals a corpse or part thereof or conceals the remains thereof, or buries a corpse without informing the concerned authority and before a search or investigation has been carried out concerning it, shall be punished by a penalty of detention.

Article 296 para. 1: Whoever, with intention to kill, commits an act not being an act against the safety of the State yet endangering the public safety shall be punished by a penalty of imprisonment for a period not less than 10 years.

Article 297: Whoever intentionally causes a fire on another's property shall be punished by imprisonment for a period not exceeding 7 years.

SUPPLEMENT NO.2 - Continued:

Whoever sets fire to his own property and the result of this act damages another's property or endangers the public safety shall be punished by a penalty of detention for a period not exceeding 5 years.

Article 298 para. 2:

And in the circumstances of the sinking or foundering of a ship or the fall of an aircraft or the occurrence of an accident to the railway the penalty shall be imprisonment if the offence was committed by the destruction of lights or other signals or by removing the same or concealing them or by the use of misleading signals or by any other deceptive means.

Article 299:

Whoever ignites a fire in his own house or in the house of another for the sole purpose of causing injury to the property of another, if his act results in the danger of another fire or another disaster, shall be punished by a penalty of detention for a period not less than 6 months.

The same penalty shall apply to whomsoever:-

Damages or destroys any structure erected for the purpose of the conservation or disposal of water, or structures erected to avoid danger from water or to prevent its sinking into the earth, or who defiles water, if the act was committed with the intention of causing damage and danger of a disaster results therefrom.

SUPPLEMENT NO.2 - Continued:

If as the result of any act mentioned in the two preceding paragraphs fire or any other disaster occurs, the penalty shall be imprisonment for a period not exceeding 7 years.

Article 300: The penalty prescribed by Articles 297 and 299 of this Code shall be increased by an amount not exceeding one half if fire results from the commission of the act against the buildings or structures hereinafter referred to:-

1. Public buildings or buildings for public use or places of pilgrimage or monuments or tombs and their appurtenances, or forests or woods;
2. Inhabited buildings, or buildings prepared for habitation, or factories, workyards, or quarries or mines, or flood-gates, or structures for the distribution of water or similar structures erected for the purpose of conservation of water or its disposal;
3. Ships or other floating structures or aircraft;
4. Railway stations, shipping harbours, airports, public stores, or warehouses for the storage of goods, or granaries, or cereal stacks, or warehouses for the storage of explosives or inflammable or kindling materials.

Article 303: Whoever intentionally omits to place in position the means or equipment or signs prepared for the avoidance of industrial disasters

SUPPLEMENT NO.2 - Continued

or accidents shall be punished by a penalty of detention for a period not less than 6 months. The same penalty shall apply to whomsoever removes or destroys the said means, equipment or signs.

If a disaster or accident occurs as the result of the act then shall the penalty be imprisonment for a period not exceeding 2 years.

Article 304: Whoever, in contravention of regulations issue in respect of transport, conveys explosives or inflammable materials in railway trains or any other means of transport for passengers shall be punished by a penalty of detention and of a fine not exceeding one hundred pounds or by one of these two penalties.

The same penalty shall be imposed on the official concerned who issued the permit violating the regulations.

Article 305: Whoever causes an epidemic by diffusing noxious germs shall be punished by a penalty of imprisonment for a period of not less than 10 years.

Article 306 **para. 1:** Whoever poisons water or articles of food before their distribution or delivery to the consumer shall be punished by a penalty of imprisonment for a period of not less than 5 years.

SUPPLEMENT NO.2 - Continued:

Article 307: Whoever pollutes or adulterates or dissimulates water or any other substance used for food prepared for public consumption, thereby rendering the same dangerous to public health, before the same is withdrawn, distributed or traded in, shall be punished by a penalty of detention for a period not exceeding 2 years.

If the substance so adulterated or dissimulated is a drug the penalty shall be detention.

Article 308: Whoever has in his possession for commerce, or exposes for sale or distributes for consumption water substances or things which another has poisoned, adulterated, or dissumulated, to such an extent that they are a danger to public health, having knowledge of this, shall be punished by the penalty prescribed by Articles 306 and 307 of this Code, if he was not an accomplice in the offence provided for in the said Articles.

Article 309: Whoever has in his possession for commerce, or exposes for sale, or distributed for consumption or for supply, articles of food dangerous to the public health, while having knowledge of this, when such food is not dissimulated or adulterated, shall be punished by detention for a period not exceeding 2 years.

The penalty of detention shall be applied if the offence is committed in respect of deteriorated or defective drugs.

SUPPLEMENT NO.2 - Continued:

Article 310: Whoever, whether by licence or not, trades in drugs and supplies the same of a kind, quality, or quantity not agreeing with the prescription of a doctor or differing from that advertised or declared shall be punished by a penalty of detention.

Article 311: Whoever trades in stupefying drugs or has the same in his possession for trade therein, or obtains the same for another, or supplies another with them, in cases which are not permitted by law, shall be punished by a penalty of imprisonment for a period not exceeding 5 years.

The penalty shall be imprisonment for a period not exceeding 6 years if the said drugs are sold or delivered to persons under eighteen years of age or to persons mentally sick or mentally deficient or to persons who are addicted to drugs.

Article 312: Whoever prepares a public or pviate place or permits the preparation thereof for the purpose of the assembly of persons to consume stupefying drugs shall be punished by a penalty of detention for a period not less than 6 months, if he is not an accomplice in the offence provided for by the preceding Article.

Whoever consumes these stupefying drugs or possesses them with the intention of consuming them, in cases which are not permitted by law, shall be punished by a penalty of detention.

SUPPLEMENT NO.2 - Continued

Article 313: Whoever negligently causes a fire or disaster provided for in Chapter 1 of this Title shall be punished by a penalty of detention for a period not exceeding 2 years.

The penalty shall be detention if the disaster results in drowning or occurs to one of the means of transport for passengers, such as the railway, ships or aircraft.

Article 314: Whoever, by negligence, causes the risk of the occurrence of danger or disaster provided for in Chapter 1 of this Title, or who neglects to take action as to existing danger, shall be punished by a penalty of detention for a period not exceeding one year.

Article 315: Whoever negligently omits to place in position apparatus or any other means prepared for extinguishing a fire, or salvage, or succour against disasters or industrial accidents, or who removes the same or renders them unfit for their purpose, shall be punished by a penalty of detention for a period not exceeding one year or of a fine of between thirty and one hundred pounds.

Article 316: Whoever negligently commits any of the acts provided for in Articles 305 to 310 inclusive of this Code shall be punished by a penalty of detention for a period not exceeding 5 years if the penalty for the offence mentioned in these articles is death; if it is imprisonment for life, the penalty shall be detention; if

SUPPLEMENT NO.2 - Continued:

it is imprisonment, the penalty shall be detention for a period not exceeding 2 years; and if it is detention, the penalty shall be detention for a period not exceeding one year or a fine not exceeding fifty pounds.

Article 321 para. 3: The penalty shall be increased by an amount of one half if the members of the association overrun the countryside or public roads while armed.

Article 323: Whoever commits any act of destruction or robbery or plunder shall be punished by a penalty of imprisonment if the object of the act was other than an attack upon the safety of the State.

If the act is committed in respect of arms, ammunition or supplies in a place for sale or deposit then shall the penalty be imprisonment for a period not less than 5 years.

Article 328: para. 1: The provisions of the two preceding Articles shall apply to stamps if in respect of them the acts provided for by these Articles are omitted but the penalty shall be reduced to the amount of one half.

Article 330: Whoever falsifies or forges tickets, cards or permits allowing the bearer thereof the use of one of the public services, or to obtain benefit from services rendered by the public transport or other public utilities, shall be punished by a penalty of detention for a period not exceeding 2 years and a fine of between twenty and one hundred pounds.

SUPPLEMENT NO.2 - Continued:

Article 331 para. 1: Whoever uses the tickets, cards or permits mentioned in the preceding Article, not having himself taken part in their falsifying or forgery but having knowledge of it, shall be punished by a penalty of detention for a period not exceeding four months and a fine of between five and twenty pounds.

Article 334: Whoever falsifies the Seal of the State or of a Province used for the purpose of being affixed to Government Documents, or whoever falsifies or alters official seals or marks used by public bodies or authorities for the purpose of authenticating or certifying, or whoever uses the said falsified seals or marks, he himself not having taken part in their falsification or alteration but having knowledge of this, shall be punished by a penalty of imprisonment not exceeding 6 years if his act relates to the seal of the State or of a Province and in the other conditions set forth herein the penalty shall be imprisonment for a period not exceeding 5 years.

Article 344: If the act provided for by Article 341 is committed by a private person or by a public official not acting in the exercise of his office, the penalty shall be imprisonment for a period not exceeding 5 years.

Article 347: Whoever, he himself not having taken part in its falsification, uses a falsified official document, having knowledge of this, shall be punished by a penalty of imprisonment

for a period not exceeding 5 years.

The penalty of detention shall apply to whomsoever uses a falsified conventional document, having knowledge of the falsification but not having taken part in it, if the purpose in so using the same was to obtain benefit therefrom for himself or for another or to injure others.

Article 348: Whoever destroys, damages, or conceals true official (or conventional) documents shall be punished by a penalty of imprisonment for a period not exceeding five years.

The penalty shall be detention if the act relates to conventional documents and if the object mentioned in the preceding article is fulfilled.

Article 360 para. 2: The penalty shall be detention for a period not exceeding 6 months and a fine not less than LL.50 and not exceeding LL.1,000 if as the result of the act damage occurs to the agricultural or industrial establishment or to the things mentioned in the previous paragraph.

Article 365: Whoever offers for sale or in any other manner puts into circulation industrial products in National or Foreign markets under names or distinctive marks or signs which have been falsified or altered and thereby causes injury to the National industry shall be punished by a penalty of detention and a fine not less than LL.50 and not exceeding LL.200.

SUPPLEMENT NO.2 - Continued:

If the rules of domestic law or international agreements for the protection of industrial property have been observed in respect of the distinctive marks or signs the penalty shall be detention for a period not less than six months and under these circumstances the provisions of Articles 337 and 339 of this Code shall not apply.

Article 372 para. 1: Whoever kills another intentionally without premeditation or lying in wait shall be punished by a penalty of imprisonment for life, or imprisonment.

Article 373: Whoever causes the death of an infant immediately after birth or of an unborn child during birth for the preservation of public honour or that of his mother or of one of his kindred shall be punished by a penalty of imprisonment for a period not exceeding 7 years.

Anyone who participates in the offence with the sole object of assisting one of the said persons to preserve their honour shall be liable to the same penalty.

Under any other circumstances he who participates in the offence shall be punished by a penalty of imprisonment for a period not exceeding 10 years.

Article 374: Whoever intentionally wounds, assaults, or administers a harmful substance to another but not intending to kill him but nevertheless death results shall be punished by a penalty of imprisonment for a period not exceeding 10 years.

SUPPLEMENT NO.2 - Continued:

But if the act was with premeditation or lying in wait then shall the penalty be imprisonment.

Article 375: Whoever comes suddenly upon his wife, or his daughter, or his sister, or his mother in the act of carnal connection or in the act of any unlawful carnal intercourse and thereupon kills her or her associate in a state of anger caused by the attack upon his honour or that of his family, shall be punished by a penalty of detention.

If the act results in the serious or dangerous personal injury of one of the abovementioned persons under the same circumstances then shall the penalty be detention for a period not exceeding 2 years.

A mere assault, or causing a slight injury, under these circumstances shall not be punished.

Article 377: Whoever kills another negligently or causes the death of another unintentionally and not purposely shall be punished by a penalty of detention and a fine not exceeding LL.200 or by one of these two penalties.

The penalty shall be detention for a period not less than one year and a fine not exceeding LL.400, or one of the two penalties, if the act results in the death of more than one person or the offender has been consuming alcoholic liquor or stupefying drugs.

Article 378: Whoever assaults another without causing sickness shall be punished upon complaint of the prejudiced person by detention for a period

SUPPLEMENT NO.2 - Continued

not exceeding one month or a fine not exceeding five pounds.

Article 379: para. 1: Whoever causes to another injury resulting in sickness shall be punished by a penalty of detention not exceeding one year or a fine not exceeding LL.50.

Article 380: If one of the following circumstances is present, the bodily injury shall be considered as grievous and the penalty shall be detention for a period not exceeding two years or a fine not exceeding LL.100:-

1. If the act results in sickness endangering the life of the person injured or renders him incapable of exercising his ordinary occupation for a period exceeding forty days;
2. If the act is committed against a pregnant woman and as the result premature birth occurs.

Article 381: The injury shall be considered as dangerous and the penalty shall be detention for a period not exceeding five years if the act results in:-

1. Sickness from which there is no hope, or possibly no hope, of recovery;
2. Loss of, or permanent weakness of one of the senses;
3. Loss of a limb, or permanent weakness of a limb, or loss of the use of same, or of the use of one of the organs, or of the capacity to procreate or grievous permanent difficulty in speech;

SUPPLEMENT NO.2 - Continued:

4. A deformity or permanent injury to the face;

5. Abortion of the pregnant woman attacked.

Article 382: The penalty shall be increased by an amount not exceeding one and a half if the injuries provided for in Articles 379, 380 and 381 of this Code are accompanied by premeditation or lying in wait or by the use of a weapon, or if the injury is committed against the person of an ascendant.

Article 384: Whosoever causes personal injury to another negligently shall be punished by a penalty of detention for a period not exceeding six months or a fine not exceeding twenty pounds. If the injury is slight then proceedings shall not be taken except upon the complaintof the person injured.

Article 386: Whoever takes part in a brawl shall be punished by a penalty of detention not exceeding one month or a fine not exceeding ten pounds.

If one of the persons taking part therein is killed or suffers personal injury, the act alone of taking part in the brawl is punished by a penalty of detention or a fine not exceeding LL.100.

The same penalty shall apply if the killing or personal injury occurs immediately after and in consequence of the brawl.

Article 387: Whoever abandons a person entrusted to him for custody or care, if that person is a juvenile or a person incapable of managing his own affairs by reason of senility or for any other

SUPPLEMENT NO.2 - Continued:

reason, shall be punished by a penalty of detention for a period not exceeding three months or a fine not exceeding ten pounds.

If the act results in personal injury to the juvenile or incapacitated person the penalty shall be detention or a fine not exceeding LL.100. If death results then shall the penalty be imprisonment for a period not exceeding 5 years.

Article 388: Whoever finds an abandoned or wandering juvenile of less than 10 years of age, or who finds any other person incapable of managing his own affairs by reason of bodily or mental sickness or senility or by reason of any other cause, and does not inform the Authorities thereof, shall be punished by a penalty of one month or a fine not exceeding LL.5.

The same penalty shall apply to any person who finds another dead or apparently dead or who finds a person wounded or in danger and does not proffer the necessary assistance or does not inform the authorities thereof.

Article 389: Whoever abandons a new-born child immediately after the birth for the sake of the preservation of the honour of himself or one of his kindred shall be punished by a penalty of detention for a period not exceeding one year.

If as the result of the act personal injury occurs to the new-born child then shall the penalty be detention for a period not exceeding two years.

If the new-born child dies as the result of

SUPPLEMENT NO.2 - Continued:

the abandonment then shall the penalty be detention for a period not exceeding five years.

Article 390: Whoever procures the abortion of a pregnant woman without her consent shall be punished by a penalty of imprisonment for a period not exceeding six years.

Article 391: Whoever procures the abortion of a pregnant woman with her consent shall be punished by a penalty of detention for a period not less than six months and the same penalty shall apply to the woman who consented to the abortion.

Article 392: A pregnant woman who procures her own abortion shall be punished by a penalty of detention for a period not less than 6 months.

Article 393: If as the result of the act provided for in Article 390 of this Code the woman dies the penalty shall be imprisonment for a period not exceeding 10 years. If dangerous personal injury results then shall the penalty be imprisonment for a period not exceeding 8 years.

If as a result of the act provided for in Article 391 of this Code the woman dies the penalty shall be imprisonment for a period not exceeding 7 years. If grievous or dangerous personal injury results then shall the penalty be detention for a period not less than 1 year.

Article 394: If any of the acts provided for in the preceding Articles are committed for the preservation of the honour of the offender or one of his kindred then shall the penalties prescribed therein be imposed with a reduction of one half.

<u>SUPPLEMENT NO.2</u> - Continued:

<u>Article 395</u>: If one of the crimes provided for in Article 390 or in the first paragraph of Article 391 or 393 is committed by a person practising the medical profession the penalty shall in his case be increased by an amount not exceeding one and a half.

In the event of recidivism the offender shall be interdicted from the practice of the medical profession for a period equal to that of the penalty imposed on him.

<u>Article 397 para. 2</u>: If from the act personal injuries result the penalties prescribed in Articles 379, 380, and 381 of this Code shall be applied after reduction to the extent of one half. If death results then shall the penalty be imprisonment for a period not exceeding eight years.

<u>Article 398</u>: Due regard being had to the provisions of the previous Article, whoever ill-treats a member of his family or a juvenile under the age of 14 years, or any other person subject to his authority or entrusted to him for instruction, care or apprenticeship to a profession or art, shall be punished by a penalty of detention.

If personal injury results from the act then shall the penalty be increased to the extent of one half; if death results then shall the penalty be imprisonment.

<u>Article 402</u>: In the circumstances provided for by Articles 399, 400 and 401 the offence is extinguished

SUPPLEMENT NO.2 - Continued:

if the spouse who is the complainant withdraws his complaint, even after final sentence.

The offence is also extinguished by the death of the injured spouse or by the dissolution of the marriage, and th t even in the case of the paramour or concubine or any other person who is an accomplice in the offence and if a conviction has been had then shall the penalty cease to be executed and the penal effects of the conviction are extinguished.

Article 404: Whoever conceals or substitutes a recently born child for the completion of a certificate of birth or who gives false information to the office for registration of births or who destroys or alters evidence of the personal status of the infant or who causes a false entry as to birth to be entered in the registers of the office for registration of births shall be punished by a penalty of imprisonment for a period not exceeding 5 years.

Article 405: Whoever places in a foundling hospital, or in any other benevolent institution, a legitimate child or natural child recognised by him or submits him to any similar institution thereby concealing true evidence as to the child's status, shall be punished by a penalty of detention for a period not less than three months.

Article 406: Whoever abducts a juvenile who has completed fourteen years of age from his parent or guardian, although with the consent of the juvenile, or whoever refuses to surrender the said juvenile

SUPPLEMENT NO.2 - Continued:

against the will of the parent or guardian, shall be punished by a penalty of detention.

The provisions of Article 328 of this Code shall be applied if the act is committed in respect of a child under the age of fourteen years or in respect of one mentally defective, although the latter has fled from the person entrusted with his custody or supervision.

Article 407: Whoever has carnal connection with another by force or threats or deceit shall be punished with a penalty of imprisonment for a period not exceeding 10 years.

The same penalty shall apply to whomsoever shall have carnal connection with a juvenile under the age of fourteen years or with a person unable to resist by reason of bodily or mental sickness, even with consent. If the prejudiced person is of major age, has completed fourteen years but has not attained eighteen years, the penalty shall be imprisonment for a period not exceeding 5 years.

If the offender was an ascendant of the person upon whom the act is committed, or the offender is entrusted with the care or supervision of that person, or if the offender is one having authority over that person, or if the person upon whom the act is committed is a servant in the employ of the offender or in the employ of any of the persons hereinbefore mentioned, then shall the penalty be imprisonment of between five and fifteen years.

SUPPLEMENT NO.2 - Continued:

Article 408: Whoever, using any of the means referred to in the preceding Article, commits an indecent assault upon another shall be punished by a penalty of imprisonment not exceeding five years.

The same penalty shall apply to whomsoever commits the act upon a person under the age of fourteen years, or upon a person who is unable to resist for mental or bodily sickness, even with consent. If the age of the prejudiced person is between fourteen and eighteen years the penalty shall be detention for a period not less than one year.

If the offender is one of the persons mentioned in the last paragraph of the preceding Article then shall the penalty be imprisonment up to seven years.

Article 409: Whoever seduces a male or female juvenile under the age of eighteen years for the commission of prostitution or indecent acts, or facilitates them, or who induces the juvenile in any manner whatsoever to commit an indecent act, or commits such an act in front of him upon a person of either sex, shall be punished by a penalty of detention.

The penalty shall be doubled if the offender is one of the persons mentioned in Article 407.

Article 410: In cases other than those mentioned in Articles 407 and 408, whoever commits an indecent act or has sexual connection with another with his consent shall be, together with his accomplice, punished by detention if the act is discovered or the offender is arrested flagrante delicto

in a public place.

Article 411: Whoever abducts an unmarried woman or detains her by force, threats or deceit, with the intention of marrying her, shall be punished by a penalty of detention for a period of not less than six months.

The penalty shall be detention for a period of not less than one year if the act is committed against an unmarried female whose age is between fourteen and eighteen years.

The same penalty shall be applied even though the act be committed with consent if the female is under fourteen years of age, or if she is mentally sick, or unable to resist.

Article 415 para. 1: Whoever, for the lust of another, induces a juvenile or person mentally defective to prostitution, or facilitates the same, shall be punished by a penalty of detention for a period not less than one year and a fine not exceeding two hundred pounds.

Article 417: Whoever, whether male or female, maintains himself partly or wholly upon the earnings of a woman by prostitution shall be punished by a penalty of detention for a period of not less than one year and a fine not exceeding two hundred pounds.

Article 418 para. 1: Whoever compels a woman by force or threats to emigrate to a place abroad with the knowledge that she will there practise prostitution shall be punished by a penalty of imprisonment for a period not exceeding ten years and a fine of between two hundred and five hundred pounds.

SUPPLEMENT NO.2 - Continued:

Article 428: Whoever abducts, or detains, or imprisons, or by any other means deprives another of personal freedom by force, or threat, or deceit, shall be punished by a penalty of imprisonment for a period not exceeding five years.

The penalty shall be imprisonment for a period not exceeding seven years if the act is committed:

a) Against an ascendant or descendant or a spouse;

b) By a public official exceeding the limits of the authority delegated to him by virtue of his office;

c) If the act was committed to obtain a ransom for the victim, and the offender achieves his aim, the penalty shall be imprisonment for a period not exceeding eight years.

Article 429: Whoever compels another by force or threats to commit, submit to, or omit to do, any act shall be punished by a penalty of detention for a period not exceeding two years.

The penalty shall be detention if the threats were made to compel a person to commit an act which is an offence, or if the act was by written threat.

If the offender obtains unlawful benefit, causing injury to another, the penalty shall be imprisonment for a period not exceeding five years.

The penalty shall be increased by an amount not exceeding one third if the force or threats

SUPPLEMENT NO.2 - Continued:

are accompanied by weapons, or if the force or threats are used by a number of persons in concert, or by a person wearing a mask.

Article 430: Whoever threatens another with unlawful injury shall be punished by a penalty of detention for a period not exceeding six months or a fine not exceeding fifty pounds, but no proceedings shall be taken except upon the complaint of the person against whom the offence is committed.

If the purpose of the threat is to commit an offence against a person, for money, or for the establishment of matters to injure honour, or of the nature mentioned in the last paragraph of the preceding Article then shall the penalty be detention for a period not exceeding one year and the institution of proceedings shall not depend upon the complaint of the person against whom the offence was committed.

Article 438 last para.: The penalty shall be detention for a period not exceeding one year or a fine not exceeding forty pounds if the offence consists in the attribution of a specific fact.

Article 439 para. 1: Whoever injures the reputation of another in his absence by publication to several persons, other than the cases mentioned in the preceding Article, shall be punished by a penalty of detention for a period not exceeding one year or a fine not exceeding fifty pounds.

Article 443: No penalty shall be imposed on a person if he commits one of the acts provided for by Articles 438 and 439 of this Code while in a state of anger arising immediately after an unjust attack upon him.

Article 444: Whoever misappropriates the movable property of another shall be punished by a penalty of detention.

For the purposes of Criminal Law electric power and all other forms of power having an economic value shall be considered as movable property.

Article 445: Whoever steals his own private property, the same being subject to servitude or real security or detentive right, or who destroys, damages, squanders, or spoils, or renders useless the same either wholly or in part, shall be punished by a penalty of detention.

Article 446: The penalty shall be detention with labour for a period of not less than six months and a fine of not less than ten pounds and not exceeding fifty pounds:-

1. If the theft was accomplished by means of entering a building or other place prepared for habitation, or the offices thereof, or a structure prepared as a warship;
2. If the theft took place by means of violence against things or by the use of skeleton keys;

Article 446 - Continued:

3. If the theft took place at night;
4. If the theft took place on a highway, outside towns and villages;
5. If the theft was accompanied by the abuse of the status of lodger or guest.

The penalty shall be detention with labour for a period of not less than one year and not exceeding four years and a fine of not less than twenty pounds and not exceeding one hundred pounds:-

1. If the theft is committed by a servant against his employer or by an official, workman or artificer in the store, or warehouse of the employer, or in a place where he usually works.
2. If the offence is committed by a professional who carries the proceeds of the robbery in a car, or ship, or on an animal, or by any other means of transport; or if the offence is committed by another person who has been made responsible for the transport of the property, or by one of his assistants, if the said property has been handed over to these people in their capacity of carriers;
3. If the theft is of articles in public offices or public establishments, or exposed of necessity or custom relying upon general trust, or prepared for public service or public interest;
4. If the thief was openly armed or was concealing arms at the time of commission of the theft;

Article 446 - Continued:

5. If the offence is committed by three or more persons or if the offence is committed by one person while personating a public official.

6. If the theft is of three or more head of animals in a herd, or of a cow, horse, or camel, although not in a herd.

Article 447: Whoever commits a theft wherein two or more of the aggravating circumstances provided for in paragraph 1 of the preceding Article are present shall be punished by a penalty of detention with labour for a period of not less than one year and not exceeding four years and a fine of not less than forty pounds and not exceeding one hundred pounds.

If two or more of the aggravating circumstances provided for by the second part of the preceding Article or if one or more of the said circumstances are combined with one or more of the circumstances provided for in the first paragraph of the said Article, then shall the penalty be imprisonment for a period not exceeding seven years and a fine of not less than fifty pounds and not exceeding one hundred and fifty pounds.

Article 448 Upon the complaint of the party injured a penalty of detention for a period not exceeding three months and a fine not exceeding twenty pounds shall be imposed if the theft is committed:-

Article 448 - Continued:

1. To use the article temporarily if it is returned immediately after so using the same;
2. Upon things of small value to satisfy an urgent need;
3. By picking the ears of cereals or gleaning what remains upon the ground after the harvest if it has not all been gathered in.

Those provisions shall not apply if the circumstances provided for by items 1, 2 and 3 of Article 446/1 are present.

Article 449: If a co-owner or co-heir, for gain to himself, or another, takes a thing owned in common depriving the owners of possession, he shall be punished by a penalty of detention.

No penalty shall be imposed upon the offender if the offence is committed in respect of usable things provided that the value thereof does not exceed that of the share of the offender.

Article 450: Whoever, by violence, takes the movable property of another shall be punished by a penalty of imprisonment for a period not exceeding ten years and of a fine of not less than fifty pounds and not exceeding two hundred pounds.

The same penalty shall apply if the violence was used immediately after the commission of the theft to ensure the possession of the stolen article or to ensure the offender's escape.

Article 456 - Continued:

The penalty shall be imprisonment for a period not exceeding twelve years if the violence is accompanied by one or more of the circumstances provided for by paragraph 1 of Article 446.

The penalty shall be imprisonment if the violence is accompanied by one or more of the circumstances provided for by paragraph 2 of the said Article.

Article 457: Whoever destroys, disperses, depreciates, or makes useless any movable or immovable property, either wholly or partly, shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding one hundred pounds. Proceedings shall be instituted upon the complaint of the person injured.

The penalty shall be detention for a period of not less than six months and the institution of proceedings shall not depend upon the complaint of the person injured if the act is accompanied by any of the following circumstances:-

1. By the use of violence or threats against persons;
2. If the act is directed against public buildings or buildings appropriated for the use of the public or for the practice of religious rites, or against the things indicated in item 3, paragraph 2 of Article 446 of this Code.

Article 457 - Continued:

3. If the act is directed against structures prepared for irrigation;

4. If the act is directed against vines or fruit-bearing trees or against plantations, woods, forests, or nurseries therefor.

Article 461: Whoever obtains for himself or another unlawful gain to the injury of another by the disposal of movable or immovable property which is not his own, or to which he has not the right of disposal; or by taking a false name, or incorrect capacity, shall be punished by a penalty of detention and a fine not exceeding fifty pounds.

The penalty shall be imprisonment for a period not exceeding 5 years if the act causes injury to the State or to any other public body.

Article 462: Whoever in bad faith gives a cheque not having a balance upon which to draw the same or having a balance of less than the value of the cheque or having withdrawn the whole or part of the balance after giving the cheque, so that the remainder thereof is insufficient to meet the value of the cheque, or in bad faith orders the person upon whom the cheque is drawn not to pay the same, shall be punished by a penalty of detention or of a fine not exceeding one hundred pounds.

Article 462 - Continued:

The same penalty shall apply to whomsoever in bad faith draws a cheque whereon is not mentioned the name, or order for payment without restriction, or the name of the Bank upon which it is drawn, or the date or place of issue, or who draws the same as at a false date, or renders himself the drawee, unless the cheque is drawn upon different establishment belonging to the drawer.

Article 463: Whoever, to secure a gain for himself or another, and taking advantage of the needs, passions, or inexperience of a person under the age of twentyone years, or taking advantage of the infirmity of another, induces him to do any act which has any prejudicial legal effect whatever for him or others, shall be punished by a penalty of detention of not less than three months and of a fine of between twenty and one hundred pounds.

The penalty shall be detention for a period of not less than six months and a fine between fifty pounds and three hundred pounds if the offender was entrusted with the custody or supervision of the person injured.

Article 466: Proceedings in respect of any of the offences provided for in this Title shall not be instituted except at the request of the victim if the offender committed the same against a spouse or ascendant or descendant.

Article 466- Continued:

The victim has the right to renounce the case at any stage whatever. He also has the right to ask for a stay of execution of the final judgment against the offender at any time.

The provisions of this Article shall not apply to offences relating to property unless, in their commission, violence against persons is used.

Article 471 Para. 1: Whoever by clamour or by the misuse of instruments of sound or of the means of increasing sound, or by exciting animals so that they cause noise, disturbs the occupations or repose of persons, or disturbs assemblies or public places or places of amusement, shall be punished by a penalty of detention for a period not exceeding one month or of a fine not exceeding ten pounds.

Article 472: Whoever disturbs another or the repose of another in a public place or open place or place to which the public has access or disturbs persons or their repose by the wanton use of the telephone, or by its use in any other blameworthy manner, shall be punished by a penalty of detention for a period not exceeding six months or of a fine not exceeding twenty pounds.

Article 477: Whoever, without licence, manufactures arms or brings them into Libya or sends them out of Libya or offers them in any manner for sale, or collects them for trade or manufacture, shall be punished by a penalty of detention for a period not less than one year and of a fine of not less than twenty pounds and not exceeding one hundred pounds.

Article 478: Whoever has in his possession arms or ammunition and does not inform the Authorities of the same shall be punished by a penalty of detention for a period not exceeding one year and a fine not exceeding twenty pounds.

Article 480: Whoever carries arms outside his dwelling place or its appurtenances without licence to do so from the Authorities shall be punished by a penalty of detention for a period not exceeding two years and a fine not exceeding fifty pounds.

The penalty shall be detention and a fine not exceeding one hundred pounds if the act is committed in a place of meeting or assembly or by night in an inhabited quarter.

Article 482: Whoever, although licensed to carry arms, does any of the following acts shall be punished by a penalty of a fine not exceeding ten pounds:-

1. Delivers an arm to a juvenile of less than 14 years of age, or to a person incapable or inexperienced in the use of arms, or to a person who has no licence to carry arms, or allows any such persons to carry arms.
2. Fails to take the necessary precautions to prevent any of the persons mentioned in the preceding number from easily reaching or gaining possession of any arms under his control;
3. Carries a loaded gun in a place of meeting or assembly.

Article 485: Whoever fails to place signs or barriers which are required so to be placed by law or regulation upon a public highway for the prevention of danger to the public, or who removes the same, or who extinguishes lamps placed as signals to warn against danger, shall be punished by a penalty of detention not exceeding one month or of a fine not exceeding ten pounds.

The penalty shall be detention for a period not exceeding two months or a fine not exceeding twenty pounds if the signs or barriers are placed in their position at the instance of a public Authority or if the lamps are for the purpose of public illumination.

Article 490: Whoever is entrusted with the custody of a mentally defective person or a juvenile of under the age of seven years and who abandons the said person or allows him to escape and does not immediately inform the appropriate Authority thereof shall be punished by a penalty of a fine not exceeding ten pounds.

Article 492 Para. 1: Whoever sets up equipment for the playing of games of hazard in a public place or place to which the public has access, or prepares a place for this purpose, shall be punished by a penalty of detention for a period not exceeding six months and a fine not exceeding fifty pounds.

Article 493: Whoever, in a public place or open place to which the public has access, is found playing a game of hazard, shall be punished by a penalty of detention for a period not exceeding one month or of a fine not exceeding ten pounds.

Article 504: Whoever sells to any person of doubtful character instruments for opening, or manufactures duplicates of a key of any kind for him, shall be punished by a penalty of detention for a period not exceeding one month or of a fine not exceeding ten pounds.

Article 505 Para. 1: Whoever, without first having ascertained their lawful origin, purchases or receives in any manner whatever things which by their quality or by the condition of the person who offers them or by the price thereof give grounds for suspicion that they derive from an offence, shall be punished by a penalty of detention for a period not exceeding one month.

Article 506: Whoever, in the exercise of a trade or in a place for trade open to the public, has in his possession measures or weights not complying with those prescribed by law or who uses measures or weights without complying with the provisions of the law, shall be punished by a penalty of detention for a period not exceeding three months or a fine not exceeding twenty pounds.

THE LIBYAN PENAL CODE

BOOK ONE

OFFENCES GENERALLY

ARTICLE 1. Offences and Penalties

There is no offence and no penalty except as provided by law.

ARTICLE 2. Alternation of laws

Offences are punished in accordance with the law in force at the time of the commission of the offence.

But if, after the commission of the offence and before final Sentence thereon, a law issues and which is more favorable to the accused then shall that law apply and no other.

And if, after Final Sentence, a law is issued and which renders the offence for which the offender was sentenced no punishable, the execution of the Sentence is stayed and the penal effects thereof cease.

But if the proceedings have been instituted or conviction made in respect of an act contrary to a law forbidding the commission thereof during a defined period, then shall the expiry of that period not interfere with the proceedings in the case nor with the execution of the penalty inflicted.

ARTICLE 3. Ignorance of the Criminal Law

Ignorance of the Criminal Law may not be pleaded in exculpation.

ARTICLE 4. Application of the Criminal Law

The Provisions of this Code shall apply to every Libyan and Foreigner who commits within the Territory of the State an offence against the said Provisions. Aeroplanes and Ships belonging to Libya shall be considered within the Territory of Libya wherever they may be found, except insofar as they may be subject to Foreign Law in accordance with the provisions of International Law.

ARTICLE 5. Offences committed outside Libya

The Provisions of this Code shall also apply to the persons hereinafter mentioned:-

1. Whoever commits outside Libya an act making him either a principal or an accessory to an offence committed wholly or partly in Libya;

2. Whoever commits outside Libya the following offences:-

   (a) An offence to the detriment of the safety of the State as provided for by Title 1 and II of Book Two of this Code;

   (b) Forgery as provided for by Articles 334 and 335 of this Code;

   (c) Falsification of Libyan Legal Currency as provided for by Article 326 of this Code;

(d) Slavery as provided for by Article 427 of this Code.

ARTICLE 6. Crimes and Misdemeanors committed by Libyans Outside Libya

Any Libyan who commits outside Libya an act which by this Code is a Crime or Misdemeanor, except those offences mentioned in the preceding Article, shall be punished in accordance with the provisions of this Code if he returns to Libya provided that the offence was punishable by the Law of the State in which it was committed.

ARTICLE 7. Conditions barring Prosecution for an offence committed Outside Libya

Public cases may not be instituted against persons who are proved to have been finally sentenced or acquitted by a Foreign Court or convicted thereby and to have undergone the penalty. The conditions mentioned in Article 5 of this Code are excepted from the provisions of this Article.

Note to Article 7. "Public Cases", i.e., cases prosecuted by the State in the interests of the public; in some cases, however, this Code makes the prosection depend upon the complaint of the person injured.

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ARTICLE 8. Return and Surrender of Offenders

The Libyan Law shall provide for the surrender and return of offenders insofar as provision is not made therefor by agreement in accordance with International Usage.

ARTICLE 9. Surrender of Offenders

Offenders may be surrendered if the following conditions exist:-

1. If the act upon which the demand for surrender is based as an offence both against the Libyan Law and that of the State demanding the surrender;

2. That the offence and penalty have not been extinguished under the provisions of the Libyan and Foreign Law;

3. That the Laws of both States permit the institution of Criminal Proceedings;

4. That the demand does not relate to a Libyan;

5. That the offence is not a Political Offence nor another offence dependent upon a Political Offence.

For the purposes of Criminal Law, any offence which injures any political interest of the State or any political right of a subject shall be considered a Political Offence.

A Political Offence also includes any offence actuated in whole or in part by Political motives.

ARTICLE 10. Transit of Surrendered Person through Libyan Territory

The transit of a surrendered person or exiled person may be permitted through Libyan territory provided that the surrender or exile was at the order of the Judicial Authority of the State to which the exile or surrendered person had resorted and provided that the conditions laid down in

ARTICLE 11. Special Criminal Laws

The provisions of this Book shall apply to offences provided for by Special Laws and Regulations except insofar as the said Laws and Regulations shall provide otherwise.

ARTICLE 12. Plurality of Criminal Laws

If a case is subject to more than one penal law or to more provisions than one of the same law, special laws or special provisions prevail over general laws or general provisions, unless otherwise provided.

ARTICLE 13. Calculation of Periods and their Commencement

If any period has legal effect then shall that period be calculated in accordance with the Gregorian Calendar but the day from which the period commences shall not be taken into account.

ARTICLE 14. Criminal Law and Sheria Law

This Code shall in no wise effect the individual rights provided for by the Sheria Law.

ARTICLE 15. Restitution and Compensation

The penalties laid down by this Code shall not affect the rights of a party to restitution or compensation.

ARTICLE 16. Definitions

In Criminal Law:-

1. An offence shall be considered as having been committed in public if it was committed:-

   (a) By means of newspapers or other means of publication or propaganda;

   (b) In a public place or open place or a place to which the public has access and in the presence of several persons;

   (c) In a gathering which cannot be considered as private having regard to the place where it has assembled or to the number of persons present, or to the purpose for which it has assembled

2. Kindred are ascendants and descendants, the spouses, brothers and sisters, relatives by marriage of the same degree, paternal and maternal uncles and their children, but relations by marriage shall not be considered as kindred if one of the spouses dies without offspring.

3. Violence in respect of things is the forcible removal of a thing if it results in the destruction or damage thereof, or its transfer, or alteration in the manner of its use.

4. Public Official means any person entrusted with a Public Appointment in the service of the Government or Provinces or Public Bodies, whether an Official or servant, permanent or temporary, with or without salary, and included in this expression are Notaries Public, Members and Assistants of the Courts, Arbitrators, Experts, Interpreters, and Witnesses while acting in their several capacities.

TITLE II

PENALTIES

CHAPTER 1

ARTICLE 17. Kinds of Penalties

Penalties are of two kinds, principal and accessory. Principal penalties are:-

1. Death
2. Imprisonment for Life
3. Imprisonment
4. Detention
5. Fine

Accessory penalties are:-

1. Interdiction from Civil Rights
2. Interdiction from practice of the Professions or Arts
3. Legal Interdiction
4. Publication of the Conviction

ARTICLE 18. Imposition of Principal and Accessory Penalties

Upon conviction the Judge pronounces the principal penalties but the accessory penalties follow by operation of law and there is no necessity for them to be pronounced save where the law specifically provides therefor.

CHAPTER 2. PRINCIPAL PENALTIES

ARTICLE 19. Death

Every person sentenced to death shall hang as provided for by the Criminal Procedure Code.

ARTICLE 20. Imprisonment for Life

Imprisonment for life is the confinement of a person in a place appointed for the purpose and his being made to work for the period of life in the manner provided for by the Prison Regulations.

ARTICLE 21. Imprisonment

Imprisonment is the confinement of a person in a place appointed for the purpose and his being made to work in the manner provided for by the Prison Regulations. Imprisonment shall not be less than 15 days, nor more than 24 years unless the law otherwise provides.

ARTICLE 22. Detention

Detention is the confinement of a person in a Central or Local Prison for the period for which he is sentenced. This period shall not be less than 24 hours nor more than three years, unless otherwise provided by law.

ARTICLE 23. Kinds of Detention

Detention is of two kinds, simple or with work,

Those sentenced to detention with work shall work inside or outside the Prison in the manner prescribed by the Prison Regulations.

ARTICLE 24. Detention with or without work

It is obligatory upon the Judge to order that the detention be with work where the sentence is for detention for a period of one year or more as also in the cases appointed by law.

Detention is always simple in the case of Contraventions.

Except in the cases mentioned in this Article, the sentence may order simple detention of detention with work.

ARTICLE 25. Commencement of Sentences restricting liberty

A sentence restrictive of liberty commences from the day when the offender is imprisoned in accordance with the sentence to be executed, the period during which he has been in custody being deducted therefrom.

ARTICLE 26. Fine

The penalty of fine imposes upon the offender the duty to pay the amount specified in the sentence to the State Treasury. Under no circumstances may the amount of the fine be less than ten piastres.

ARTICLE 27. Power of the Judge in passing Sentence

The Judge orders the penalty which he considers proper within the limits appointed by the law and he shall set forth the grounds supporting his estimation thereof and he is not allowed to transgress the limits laid down by the law, whether by way of increase or reduction, save under circumstances provided for by the law.

ARTICLE 28. Estimation of the Penalty

In his estimation of the penalty as laid down in the preceding Article, the Judge shall have regard to the gravity of the offence and the tendency of the offender towards crime. The gravity of the offence is indicated by the following circumstances:-

1. The nature and kind of the act and the means used in its commission, its purpose, its place, its occurrence, its time, and other circumstances connected therewith.

2. The magnitude of the damage or danger resulting from the act.

3. The degree of criminal intention and whether it was willful or not.

4. The tendency of the offender towards crime is indicated by the following circumstances:-

    (1) The motives for the offence and the character of the offender.

    (2) The penal and judicial antecendents of the offender and his life in general before the commission of the offence.

    (3) The conduct of the offender at the time of and after the commission of the offence.

    (4) The conditions of life of the offender himself, his family, and friends and acquaintances.

ARTICLE 29. Reduction or Substitution of the Penalty

If there are extenuating circumstances in the case, the Judge may reduce the penalty or substitute another penalty for it in the following manner:-

Imprisonment for life instead of the sentence of death; Imprisonment for not less than 20 years in place of imprisonment for life.

He may also reduce other penalties by one third of what would be imposed in the absence of extenuating circumstances.

In all events the Judge may sentence to a penalty less than the lowest penalty prescribed by the law where the aforesaid circumstances exist.

ARTICLE 30. How Penalties are Reckoned

Penalties fixed by time are reckoned in terms of days, months and years, Parts of a day are not taken into account nor are fractions of a piastre considered in pecuniary penalties.

ARTICLE 31. Conversion of Pecuniary Penalties

If it becomes necessary to convert pecuniary penalties into penalties involving restraint of liberty or preventive detention, then shall the conversion be at the rate of one days restraint of liberty to 50 piastres or any portion of that amount.

ARTICLE 32. Commutation of Pecuniary Penalties

Pecuniary penalties not enforced by reason of the inability of the person sentenced thereto to pay them are converted into imprisonment provided that the period thereof shall not exceed three years.

The person so sentenced may always terminate the substituted penalty by payment of the fine after deducting the amount corresponding to the term he has served.

CHAPTER 3. ACCESSORY PENALTIES

ARTICLE 33. Interdiction from Civil Rights

Interdiction from Civil Rights is of two kinds, perpetual and temporary.

Interdiction debars the offender from the following rights and privileges:

1. The right to vote for, or election to, any elected body and from every other political right.

2. The right to retain any public office or to accept any public service, unless it is a compulsory service, or the retention of any qualification obtained in the capacity of public officer or in the public service.

3. The capacity to act as a Trustee or Guardian, though the appointment be temporary, and every other right pertaining to Trusteeship or Guardianship.

4. From Academic degrees and dignities, titles, decorations, and other public marks of honor.

5. From every honorific right attaching to any offices, services, degrees or titles, and from the qualities, dignities and decorations specified in the preceding numbers.

6. From the capacity to assume or acquire any right, quality, service, title, degree, dignity, decoration or mark of honor, specified in the preceding numbers.

Temporary interdiction debars the offender from the capacity to enter upon, exercise or enjoy, while the interdiction lasts, the aforesaid rights, services, qualities, degrees, titles and honors.

Temporary interdiction may not be of less than one year nor more than five years.

ARTICLE 34. Conditions involved in Interdiction from Civil Rights

A sentence of Imprisonment for Life or of imprisonment for ten years or more involves perpetual interdiction from Civil Rights as from the day upon which the sentence becomes final. A sentence of imprisonment for a period of three years or more involves interdiction from Civil Rights for the period of the sentence and for a period thereafter of not less than one year nor more than five years.

And if in the sentence it is decided that the offender is an habitual criminal or practiced in the commission of crimes or misdemeanors or that he has a savage criminal tendency, then shall the interdiction be perpetual.

ARTICLE 35. Interdiction from Practice of the Professions or Arts

Interdiction from the professions or arts debars the offender from the capacity to carry on, during the term of the interdiction, any profession, art, industry, commerce or trade, for which is required any special permit, qualification, authority, or license from any authority, and involves the revocation of any such permit, qualification, authority or license.

The period of interdiction may not be less than one month, nor more than five year unless otherwise provided by law.

ARTICLE 36. Sentences involving interdiction

Temporary interdiction provided for in the preceding Article results from conviction of a crime or misdemeanor committed by abuse of the power of, or by breach of the duty attached to, a Public Office, or Public Service, or to Trusteeship or Guardianship, or abuse of any profession, art, industry, commerce or trade, or breach of the duties attached thereto.

ARTICLE 37. Legal Interdiction

Every person sentenced to death or imprisonment for life is in a state of Legal Interdiction and also loses paternal and marital authority and testamentary capacity and a will made before conviction is revoked.

Every person sentenced to imprisonment for not less than five years is in a state of legal interdiction for that term, the

sentence likewise, during the term, suspends the exercise of paternal and marital authority, unless the Judge otherwise orders.

The provisions of the Civil Code as to Judicial interdiction apply to legal interdiction insofar as they relate to the disposal and administration of property and the representation for acts relating thereto.

ARTICLE 38. Negligence

The provisions of Article 33 of this Code and of the second paragraph of the preceding Article do not apply where the conviction is for an offence committed negligently.

The provisions of Article 35 do not apply if the conviction is for an offence committed negligently and the imprisonment is for a term of less than three years or if only a fine is imposed.

ARTICLE 39. Publication of the Sentence

Publication is obligatory in the case of a sentence of death or imprisonment for life and in other cases provided for by law. Publication is made by displaying a notice thereof in the District where sentence was pronounced and in the District where the offence was committed and in the District where the offender had his las place of residence.

In addition the notice shall be published once or more than once in a newspaper or newspapers as may be ordered by a Judge.

The notice shall be in the form of an extract from the sentence unless the Judge orders the whole to be published and the cost thereof is at the expense of the offender.

If the circumstances so demand, the Judge may order that the sentence be broadcast.

ARTICLE 40. Period of Penalty of Temporary Interdiction

If the law decrees that the conviction shall result in accessory penalties but no period thereof is appointed then shall the period of the accessory penalty be for the term of the principal penalty to which the offender is sentenced or for the term which it is incumbent upon the offender to serve in substitution for a fine which he has failed to pay. Nevertheless, in no case may the term of the accessory penalty be less or more than the minimum prescribed by the law.

CHAPTER 4. EXECUTION OF PENALTIES

ARTICLE 41. Guiding Principles in the Execution of Penalties

In the execution of the penalty the aim must be towards the reformation of the offender and his education for the purpose of the realization of the moral and social effects intended by the penalty.

In the execution of the penalty, regard must be had to the principles of humanity, work and education.

ARTICLE 42. Supervision of the Execution of the Penalty by the Judge

Penalties restrictive of freedom are subject to the supervision of the Judge.

ARTICLE 43. Execution of Penalties restrictive of Freedom in Special Establishments

Penalties restrictive of freedom for Crimes and Misdemeanors are served in special establishments for each of the following categories of prisoners:-

1. Habitual or professional criminals and criminals of a savage tendency;

2. Juveniles of less than eighteen years of age;

3. Persons sentenced to a penalty reduced for mental deficiency or on account of being deaf and dumb, or for chronic intoxication produced by alcohol or drugs, habitual drunkards and persons addicted to drugs. These persons are placed under special supervision for the purpose of treatment.

Women serve penalties restrictive of liberty in establishments distinct from those appointed for men.

ARTICLE 44. Distribution of Convicted Persons between Different Establishments

In ordinary or special establishments when distributing convicted persons in them regard shall be had to their previous convictions and to the nature of the offence.

ARTICLE 45. Work of Convicted Persons and their Remuneration

Convicted persons are entitled to remuneration for the work to which they are set during the course of the penalty.

From this remuneration save where payment therefor is otherwise provided, shall be deducted a third thereof to pay the following amounts in the order shown:-

1. The expense to which the State is put for the maintenance of the prisoners;

2. The amount due for payment of pecuniary penalties and cost of the Criminal Proceedings;

3. The amount due for compensation awarded.

In every case there shall be a cash payment to the prisoner of one third of the remuneration and this amount shall not be subject to Judicial Attachment or Execution.

CHAPTER 5. PLURALITY OF PENALTIES

ARTICLE 46. Accumulation of Penalties

Penalties may accumulate provided that the provisions of Article 48 are observed.

ARTICEL 47. The Order of Execution of Accumulated Penalties

If the accumulated penalties vary, they must be wholly completed in the order hereinafter following, due regard being had to the provisions of the succeeding Article:-

Firstly, Imprisonment,
Secondly, Detention with Work.
Thirdly, Simple Detention.

The penalty of Imprisonment for life cuts out the other penalties.

ARTICLE 48. The Limit for Plurality of Penalties Restrictive of Liberty

If a person commits several offences before he is sentenced in respect of one of them and the penalties of imprisonment have accumulated or penalties of imprisonment and detention have combined, the aggregate period of the penalties together must not exceed thirty years and if penalties of detention have accumulated, then the aggregate period must not exceed ten years.

ARTICLE 49. Plurality of Pecuniary Penalties

Pecuniary penalties always accumulate although combined with penalties restrictive of freedom.

ARTICLE 50. Limitation of Accessory Penalties

For the limitation of Accessory Penalties and other penal consequences of the sentence, when the Principal Penalties have accumulated regard is had to the several offences for which the sentence was pronounced and to the Principal Penalties which would have been imposed in each case if it had been considered by itself.

ARTICLE 51. Maximum Term for Plurality of Accessory Penalties

The maximum term of Temporary Accessory Penalties may not exceed ten years.

TITLE III

OF OFFENCES

KINDS OF OFFENCES

ARTICLE 52. Kinds of Offences

Offences are of three kinds - Crimes, Misdemeanors and Contraventions, in accordance with the penalty prescribed by this Code.

ARTICLE 53. Crimes

Crimes are the offences punishable by the following penalties:-

Death
Imprisonment for life
Imprisonment

ARTICLE 54. Misdemeanors

Misdemeanors are the offences punishable by the following penalties:-

Detention, the maximum period of which exceeds one year.
Fine, the maximum of which exceeds fifty pounds.

ARTICLE 55. Contraventions

Contraventions are the offences punishable by the following penalties:-

CHAPTER 2. THE SUBSTANTIVE ELEMENT OF THE OFFENCE

ARTICLE 56. Impossibility of Offence

There is no offence when, owing to the act being inoperative, or the object of it not existing, the injurious or dangerous event is impossible.

Nevertheless the acts committed are punishable if in themselves they constitute another offence.

ARTICLE 57. Causal Connection

No one may be punished for doing anything which the law makes an offence, if the injurious or dangerous consequence on which the existence of the offence depends does not follow from his act or omission.

Not to prevent an event when the law imposes an obligation to prevent it is the same as causing it.

ARTICLE 58. Concurrence of Causes

A concurrence of causes pre-existing or contemporaneous or supervening, even if independent of the act or omission of the offender, do not exclude the relation of cause and effect between the act of omission and the event.

Supervening causes exclude the relation of cause and effect when they are by themselves sufficient to produce the event. In such a case if the act or omission which preceded the event by itself constitutes an offence the penalty prescribed for it is to be applied.

For the penalties of death or imprisonment for life is substituted imprisonment for a period of not less than fifteen years. Other penalties are reduced by an amount not exceeding one third if the offender did not know of the pre-existing or contemporaneous causes of the act or if the supervening causes were independent of his act or omission, provided that these causes have major importance in the occurrence of the event.

The preceding provisions apply even when the pre-existing or contemporaneous or supervening cause consists in the illegal act of another.

CHAPTER 3. THE ATTEMPT

ARTICLE 59. Attempts

The attempt is the beginning to execute an act with the intention of committing a Crime or Misdemeanor when its effect is stopped or fails by reason of circumstances outside the will of the person committing the act.

The mere intention to commit a Crime or Misdemeanor and preparatory acts therefor are not attempts.

ARTICLE 60. Penalties for Attempted Crimes.

An attempt to commit a Crime is punished with the penalties hereinafter mentioned, unless the law provides otherwise:-

By imprisonment for not less than fifteen years if the penalty for the Crime is death;

By imprisonment for not less than eight years if the penalty for the Crime is Imprisonment for life;

In other cases the sentence is as laid down for the Crime with a reduction of from one to two thirds of the maximum and minimum thereof.

ARTICLE 61. Penalty for Attempted Misdemeanors

The penalty for an attempted misdemeanor is that laid down for the completed misdemeanor with a reduction of from one to two thirds of the maximum or minimum thereof.

CHAPTER 4. THE PHYSICAL ELEMENT OF THE OFFENCE

ARTICLE 62. Conscience and Volition

An act made an offence by law is not punishable unless it was committed consciously and voluntarily.

No one may be punished for doing an act which the law makes a Crime or Misdemeanor if he has not done it intentionally, save in those cases of negligent and unintentional offences expressly provided for by law.

The law distinguishes the cases in which the event is imputed to the doer of an act or omission as the consequence thereof.

In Contraventions everyone is answerable for his own acts or omissions which are conscious and voluntary, whether they be intentional or negligent.

ARTICLE 63. Criminal Intention, Exceeding. of Intention and Negligence

A Crime or Misdemeanor is committed intentionally if the doer thereof foresees or intends the injurious or dangerous event which is the result of his act or omission and upon which the law makes the existence of the offence dependent.

It is unintentional, or exceeds intention, when an injurious or dangerous event results from the act or omission.

It is negligent when the event, even if foreseen, was not intended by the doer, and manifested itself by reason of carelessness or imprudence or want of skill or failure to observe the laws, regulations, ordinances or discipline.

The distinction between intentional offences and negligent offences prescribed by this Article for Crimes and Misdemeanors also applies to Contraventions, whenever the Criminal Law makes any legal effect dependent on this distinction.

ARTICLE 64. Offences committed by means of Printing

With due regard to the responsibility of the author and except in the circumstances of joint participation, when an offence is committed by means of a periodical, it is punishable in accordance with the following provisions:- The Director or Editor of the Periodical who did not prevent the publication thereof is punishable therefor unless the publication occurred as the result of circumstances beyond his control or as the result of an unforseen event or as the result of force, material or abstract, which could not be repelled.

If the act is a Crime or Misdemeanor therein Criminal Intention exists, the penalty prescribed for the Crime or Misdemeanor committed is applied after reduction of the penalty to the limit of a half and if the act is a negligent offence or Contravention the penalty for that offence is applied.

Where the printed matter is not a periodical if the Author is unknown or cannot be charged or is not within the Territory of the State, the provisions of the preceding paragraphs apply to the Publisher, and if the Publisher is unknown or cannot be charged or is not within the Territory of the State, then shall the Printer be answerable.

ARTICLE 65. Secret Printing

The provisions of the preceding Article apply also if the rules of law on publication and distribution of printed matter, whether periodical or not periodical, have not been observed.

If the persons mentioned in the preceding Article are unknown or cannot be charged or are not within the Territory of the State any person who has in any manner disseminated the printed matter is answerable for the offence.

ARTICLE 66. Objective Conditions of the Offence

When the law requires the manifestation of a condition in order to make an offence punishable, the offender is answerable for the offence even if the event on which the manifestation of the condition depends was not intended by him.

ARTICLE 67. Mistake of Fact

Mistake as to the fact which constitutes the offence absolves the doer from punishment. Nevertheless if the mistake was induced by negligence, he is not absolved from punishment when the fact is made a negligent offence by law.

As also the doer is punished wherever the fact constitutes another offence.

ARTICLE 68. Mistake Induced by Deceit

The provisions of the preceding Article apply even if the mistake of fact which constitutes the offence is brought about by the deceit of another, but in this case the responsibility of the act induced by deceit is upon the person who induced it.

CHAPTER 5. GROUNDS OF EXCULPATION

ARTICLE 69. Exercise of a Right or Performance of Duty

There is no liability to punishment for the exercise of a right or the performance of a duty imposed by a rule of law or by a lawful order of a Public Authority. If an act which constitutes an offence has been done by order of Authority, the Public Official who gave the order is responsible for the offence, The person who carries out the order is likewise answerable unless he thought owing to a mistake of fact that he was obeying a lawful order.

There is no liability for carrying out an unlawful order when the law does not give any indication as to the lawfulness of the order.

ARTICLE 70. Lawful Defence

No one is liable to be punished who has done an act, being constrained thereto by the need to defend his own right or the right of another against the present danger of a wrongful invasion, provided that the measures taken for the defence of the right are proportionate to the threatened wrong.

ARTICLE 71. Lawful Use of Arms

With due observation of the provisions of the preceding Article, a Public Official is not liable to be punished if, in order to perform a duty appertaining to his Office, he uses or orders the use of arms or other means of physical coercion when constrained by the necessity to repel force or to overcome resistance against authority.

The same provisions apply to whosoever lends assistance to a Public Official at his lawful request.

The law distinguishes the other cases in which the use of arms or other means of physical coercion is justified.

ARTICLE 72. Necessity

No one is liable to be punished who has done an act being constrained thereto by the need to save himself or another from present danger or grave personal injury, such danger not having been voluntarily caused by himself, and not being otherwise avoidable, provided always that the act is proportional to the danger.

This provision does not apply to anyone who has a special lawful duty to incur the danger.

The provisions of the first paragraph of this Article apply also if the necessity is brought about by the threats of another, but in this case whoever has used the threats to compel the commission of the act is responsible for the act.

ARTICLE 73. Negligent Excess of Lawful Limits of Lawful Defence

When in order to commit any of the acts provided for by Articles 69, 70, 71 and 72, the limits prescribed by law, or by the order of authority, or imposed by necessity, are negligently exceeded, the provisions concerning negligent offences apply if the act is made a negligent offence by law.

ARTICLE 74. Accident and Force Majeure

No one is punishable who has done anything by accident or force majeure.

ARTICLE 75. Physical Constraint

No one is punishable who has done anything through being constrained by another with physical force, which he could not resist or from which he could not escape.

In such a case the person who constrains by physical force is answerable for what is done by the person constrained.

CHAPTER 6. Plurality of Offences

ARTICLE 76. Plurality of Offences from one act and Connected Offences

If one act comprises several offences only the offence with that severest penalty is considered and the penalty for that offence and no other is imposed.

If several offences are committed with one purpose, and these offences are connected the one with the other to the extent that they are indivisible, then shall they be considered as one offence and the sentence prescribed for the most serious offence shall be imposed subject to an increase of the penalty up to one third.

ARTICLE 77. Continuing Offences

If several acts are committed in pursuance of one Criminal intention, then are they considered as one offence if they contravene the same provision of the law although they differ in gravity, or were committed at different times but the penalty therefor shall be increased from a sixth to a quarter.

ARTICLE 78. Sentence for Plurality of Offences

TITLE IV

T H E O F F E N D E R

CHAPTER 1. CRIMINAL RESPONSIBILITY

ARTICLE 78. Capacity of Conscience and Volition

No one is responsible criminally unless he has the capacity of conscience and volition.

An offence is not punishable unless it is shown that the offender had the capacity therefor at the time of its commission.

ARTICLE 80. Juveniles under 14 years of age

A juvenile who has not attained the age of 14 years is not criminally responsible, but it is for the Judge to take the necessary protective measures on his behalf if he has completed the age of 7 years at the time of the commission of the act regarded legally as an offence.

ARTICLE 81. Juveniles between the ages of 14 and 18 years

A Juvenile who at the time of the commission of the offence has completed 14 years but has not completed the age of 18 years and has the capacity of conscience and volition is criminally responsible, but the penalty is reduced by not more than two-thirds.

If a juvenile who is criminally responsible has committed an offence, the penalty for which is death or imprisonment for life, then shall these penalties be commuted to a penalty of imprisonment of not less than five years and the sentence shall be served in a special establishment for juveniles criminally responsible in which they will be subject to special discipline to educate and instruct them in such a manner as to ensure their reformation and training to become honest members of the community.

The provisions of Article 150 shall apply to juveniles between 14 and 18 years of age who are irresponsible.

ARTICLE 82. Period of Measures of Security in the case of Juveniles Criminally Responsible.

In the circumstances provided for by the preceding Article, the Judge must impose the lowest penalty and the measures of security shall continue until the juvenile in fact shows signs of reformation and fitness to become a useful member of the community.

The Supervising Judge shall immediately give orders for the discharge of the juvenile when he is satisfied that the conditions provided for in the preceding Article are fulfilled and that upon the report of the Director of the Special Establishment where the juvenile is confined and of the Doctor entrusted with the care of juveniles.

If the juvenile attains the age of 18 years before the expiration of the period to which he is sentenced or if after having attained that age, it is proved that he has reformed then shall he be transferred to a special section of the Establishment where he is confined.

Upon completion of the period for which the juvenile was sentenced, the Supervising Judge may order that instead of being confined, the juvenile be released under supervision.

ARTICLE 83. Total Mental Incapacity

No one is criminally responsible who at the time of the commission of the offence was in such a state of mental infirmity the result of disease that he has lost the capacity of conscience and volition.

ARTICLE 84. Partial Mental Incapacity

Anyone who at the time he commits an act is by mental infirmity resulting from disease in such a state that his capacity of conscience and volition is greatly reduced, but not totally absent, is answerable for any offence he commits.

But in his case for the penalty of death the penalty of imprisonment for not less than 15 years is substituted and for imprisonment for life is substituted imprisonment for not less than ten years and other penalties are reduced by a proportion not exceeding two-thirds.

ARTICLE 85. Limit of Penalty not to be Applied upon Sentence

If a state of partial mental incapacity exists whereby the responsibility referred to in the preceding Article is diminished, or in the case of chronic intoxication from the consumption of alcoholic liquors or of drugs, as also in the case of deaf-mutes, those so afflicted shall serve the period of the penalty in a Special Establishment where they shall receive suitable treatment.

The Judge may only sentence to the lowest period provided and the measures for security shall continue until such time as the personal and mental condition of the offender permits of his being allowed to return to the community.

In such a case, the Supervising Judge orders the discharge of the offender acting upon the report of the Director of the Special Establishment and of the Doctor attached thereto with an order for supervision of the offender after discharge if circumstances to demand.

ARTICLE 86. Deaf-Mutes

Deaf-mutes who by reason of their infirmity have not at the time of the commission of the offence the capacity of conscience and volition are not criminally responsible.

If the capacity of conscience and volition is greatly but not completely imparied, then shall the provisions of the two preceding article be applied.

ARTICLE 87. Drunkenness Resulting from Chance or Force Majeure

No one is criminally responsible who at the time of the commission of the offence did not have the capacity of conscience and volition by reason of complete drunkenness resulting from chance or force majeure.

If the drunkenness was not complete but was such as to diminish greatly, but not entirely, the capacity of conscience and volition then is the offender responsible and the penalty prescribed by law is imposed with substitution or reduction as provided for in Article 84 of this Code.

ARTICLE 88. Intentional Drunkenness

Criminal Responsibility is neither excluded nor diminished in the case of intentional drunkenness for the purpose of committing an offence or to provide and excuse therefor but the penalty is increased to an extent not exceeding one-third.

ARTICLE 89. Habitual Drunkenness

When the offence is committed by an habitual drunkard while in the condition of drunkenness, the penalty is increased to an extent not exceeding one-third.

For the purposes of Criminal Law anyone who is addicted to the use of alcohol to the extent that he is in an almost continuous state of intoxication is to be considered as an habitual drunkard.

ARTICLE 90. Voluntary Drunkenness

Voluntary drunkenness neither excludes nor diminishes the responsibility of the offender.

ARTICLE 91. Commission of an Offence under the Influence of Narcotic Drugs

When the offence is committed under the influence of narcotic drugs, the provisions of Articles 87, 88, 89 and 90 of this Code are also applied.

ARTICLE 92. Chronic Intoxication from the Consumption of Alcohol and Narcotic Drugs

The provision of Articles 83, 84 and 85 are applied to offences committed in a state of chronic intoxication from the consumption of alcohol or narcotic drugs.

ARTICLE 93. Inducing Incapacity in Another to make him Commit an Offence

If anyone puts another into a state of incapacity of conscience and volition with the object of making him commit an offence, the person who has brought about the incapacity is answerable for the offence committed by the person who was made incapable and the penalty is increased to an extent not exceeding one-third.

ARTICLE 94. Intentional Loss of Capacity of Conscience and Volition

The provisions of the second paragraph of Article 79 do not apply to anyone who intentionally renders himself incapable of conscience and volition for the purpose of committing an offence or to provide an excuse for committing the same.

ARTICLE 95. Emotional or Passionate States of Mind

Neither emotional nor passionate states of mind exclude or diminish criminal responsibility.

CHAPTER 2. RECIDIVISM

ARTICLE 96. The Recidivism

Anyone is considered as a recidivist who:-

Firstly, having been convicted of a Crime is subsequently proved to have committed a Crime or Misdemeanor;

Secondly, having been sentenced to detention for the period of a year or more is proved to have committed a Misdemeanor before the expiry of a period of 5 years of the date of the expiry of the penalty to which he was sentenced or from the date of its extinction by lapse of time;

Thirdly, having been sentenced for a Crime or Misdemeanor to detention for a period less than one year or to a fine and it is proved that he has committed an offence similar to the first offence before the expiry of five years from the date of the said sentence;

Fourthly, having been sentenced for a Contravention, it is proved that he has committed the same Contravention or one similar to it before the expiry of one year from the date of expiry of the said sentence or from the date of its extinction by lapse of time.

For the purposes of Criminal Law offences are similar if they present fundamental characteristics in common either from the nature of the acts which constitute them or from the motives which actuate them although they do not actually contravene the same individual law.

ARTICLE 97. Increase of Penalty in the case of a Recidivist

In the conditions of recidivism provided for by the preceding Article the penalty is increased to an extent not exceeding one-third. If recidivism recurrs, the penalty must be increased to an extent of not less than a quarter and not more than a half. In any event, the period of imprisonment may not exceed 30 years.

ARTICLE 98. Recidivism and Juveniles

The provisions as to recidivism do not apply to juveniles who have not attained the age of 18 years.

CHAPTER 3. PLURALITY OF PERSONS IN THE OFFENCE

ARTICLE 99. The Offender and his Penalty

Anyone is considered as an offender who:-

Firstly, himself commits the offence or does so in association with another;

Secondly, enters upon the commission of the offence if it consists of a number of acts and intentionally commits one of those acts.

Each offender is liable to the penalty prescribed for the offence committed.

And if by reason of conditions personal to one offender, it is found necessary to alter the nature of the offence or penalty in his respect this circumstance shall have no effect in the case of the others if they did not know of those personal conditions and this shall apply also if the nature of the offence is altered in respect of the intention of the perpetrator of the offence or his knowledge thereof.

ARTICLE 100. Accessories

Anyone is considered to be an accessory who:-

Firstly, incites to the commission of the act constituting the offence if the act is done as the result of the incitement;

Secondly, supplies the offender or offenders with arms or other instruments of any kind used in the commission of the offence with knowledge that they will be so used, or assists the offender or offenders in any other manner in acts preparatory to, or facilitating or completing the commission of the offence.

ARTICLE 101. Penalty of the Accessory

Every accessory to an offence shall be punished with the penalty prescribed for the offence save in the case of special provisions to the contrary, nevertheless:-

Firstly, the accessory is not affected by the conditions personal to the offender and which alter the nature of the offence if he did not know of those personal conditions;

Secondly, if, having regard to the intention of the offender in, or his knowledge of, the commission of the offence, the nature of the offence is altered, then shall the accessory be punished with the penalty prescribed for the offence as if the intention and knowledge of the offender was the intention and knowledge of the accessory.

ARTICLE 102. Punishment of Accessory and not of Offender

If the offender is excused by valid reasons or by reason of the absence of intention, or by reason of other circumstances affecting him alone, nevertheless the accessory is punished with the penalty prescribed for the offence by law.

ARTICLE 103. The Offence for which the Accessory is Punishable

Whoever is an accessory to an offence is punishable with the penalty therefor, even although the offence was not the offence intended when the offence which actually occurred was the probable consequence of the incitement, agreement, or assistance which has occurred.

ARTICLE 104. Cooperation in Negligent Offences

In the case of negligent offences when the event is caused by more persons than one, each of those persons is liable to the penalty for that offence.

TITLE V

EXTINCTION OF OFFENCE AND PENALTY

CHAPTER 1. Extinction of the Offence

ARTICLE 105. Death of Accused before Conviction

The offence is extinguished by the death of the accused before conviction.

ARTICLE 106. General Amnesty

The offence is extinguished by the issue of a general amnesty in respect thereof as also are extinguished the principal and accessory penalties imposed therefor.

In the case of a plurality of offences, the effect of a general amnesty shall be restricted to the offences in respect of which it is issued and to no other.

As also shall the extinguishing of offences upon issue of a general amnesty be restricted to the offences committed before the issue of the Law for a general amnesty unless the contrary be provided for by other provisions.

A general amnesty shall not apply to recidivists repeatedly convicted for similar offences nor to habitual or professional criminals nor to persons of a savage tendency, always providing that the law for the general amnesty does not provide otherwise.

ARTICLE 107. Extinction of Offence by Prescription

A Crime is extinguished at the expiry of 10 years from the day of the commission of the offence; a Misdemeanor at the expiry of 3 years; Contraventions after one year, save where the law provides otherwise.

ARTICLE 108. Interruption of the Prescriptive Period

The prescriptive period is interrupted by conviction. It is also interrupted by the issue of a warrant or order for capture or arrest, or of a summons to appear, or of an order for examination in the presence of a Judicial Authority, or of an order summoning the accused before the Court, or of an order committing the accused to the Court of Trial.

When the prescriptive period is broken, it begins to run again from the day it was broken.

When more causes than one interrupt the period, then the period begins to run from the last but in no case may the prescriptive period be lengthened by more than one half.

ARTICLE 109. Effect of Interrupted Period upon other Accused

Where there are more accused than one, then the interruption of the prescriptive period in respect of one of them operates also in the case of the others, although proceedings which interrupt the prescriptive period have not been instituted against them.

ARTICLE 110. Composition of Offences

Contraventions may be compounded provided that the law does not prescribe the compulsory penalty of detention for the offence or any other penalty other than a fine or detention.

In cases where composition is permissible, it is the duty of the Recording Official to bring the terms of the composition to the notice of the accused and to make a note upon the Record of the case that this has been done.

If the terms of the composition have not been brought to the notice of the accused upon the Record, it is obligatory that he be officially advised thereof.

ARTICLE 111. Conditions for Legal Composition

The Accused who wishes to compound the offence must pay into Court, or to the Public Prosecutor, or to any person to whom the Nazir of Justice may permit him to pay the same, within 10 days from the day when the terms of the composition are brought to his notice, a sum equal to a third of the maximum of the fine prescribed for the offence in cases where the law does not prescribe a penalty other than a fine and a half the maximum in cases where the law gives an option of fine or imprisonment.

Upon payment of the amount aforesaid, the Contravention is extinguished.

ARTICLE 112. Conditional Suspension of the Penalty

When imposing a penalty restrictive of freedom for a period not exceeding one year, or a penalty of a fine, or both fine and detention, provided that the aggregate period of detention does not exceed one year, whether detention be substituted for the fine or not, the Court may in the same sentence order that the penalty be suspended for a period of five years in the case of a Crime or Misdemeanor or two years in the case of a Contravention, and this period shall commence from the day upon which the sentence becomes final.

The Court may apply the provisions of the preceding paragraph to a juvenile whose age is less than 18 years and in the case of those who have attained the age of 70 when sentencing them to a penalty not exceeding two years in terms of the preceding paragraph.

For the purpose of applying this procedure when sentencing to a penalty for which no period is appointed, the basis to be adopted shall be the minimum penalty inflicted so long as are present the other conditions demanded by the law.

ARTICLE 113. When Suspension of the Penalty may be Ordered

An order for suspension of the penalty shall not be made unless in the view of the Court, the character of the offender or his antecedents or his age, or the circumstances under which the offence was committed lead to the belief that he will not commit other offences. The reasons for suspension must be stated in the sentence.

The order for suspension not only suspends the principal penalty, but also the accessory penalties and any other penal effects resulting from the conviction, unless the sentence provides otherwise.

ARTICLE 114. Revocation of the Order for Suspension

The order for suspension is revoked if, during the period mentioned in Article 112, the following occur:-

1. If the offender commits a Crime or a Misdemeanor;

2. If he is sentenced for a Crime or a Misdemeanor committed before the order was made.

ARTICLE 115. Procedure for Revocation of the Order for Suspension

The order is revoked by the Judge who sentences in the subsequent case and if this Judge neglects so to do, then shall the revocation be made upon the application of the Public Prosecutor, by the Court which made the order, assembled in the Consultation Room after summoning the offender to come before it.

ARTICLE 116. Effects of Revocation

The revocation of the order of suspension involves the execution of the penalty imposed together with the execution of the accessory penalties and all other penal effects suspended thereby.

ARTICLE 117. Extinction of the Offence

At the expiration of the period of suspension, if no order of revocation has issued the offence is extinguished and the principal and accessory penalties may not be enforced.

ARTICLE 118. Judicial Pardon for Juveniles

If a juvenile under 18 years of age commits an offence punishable by a penalty restrictive of freedom for a period not exceeding two years or by a fine not exceeding 50 guineas or by both penalties, the Judge may grant him a Judicial pardon if the conditions mentioned in Article 113 of this Code are fulfilled and the offence is extinguished upon the order of pardon becoming final.

Judicial pardon may not be given to a juvenile who has previously been convicted of a Crime nor may the pardon be granted more than once.

CHAPTER 2. Extinction of the Penalty

ARTICLE 119. Death of Offender

The penalty is extinguished by the death of the offender after he has been sentenced.

ARTICLE 120. Extincition of the Penalty by Prescription

The penalty for a Crime is extinguished after the lapse of 20 years in accordance with the Gregorian Calendar, but the penalty of death is extinguished after the lapse of 30 years.

The penalty for a Misdemeanor is extinguished after the lapse of 5 years.

The penalty for a Contravention is extinguished after the lapse of two years.

ARTICLE 121. Commencement of the Prescriptive Period

The prescriptive period commences from the time when the sentence becomes final.

ARTICLE 122. Interruption of Prescriptive Period

The prescriptive period is interrupted upon the offender being arrested for a penalty restrictive of liberty and with the institution of any proceedings taken for his confrontation or which are brought

to his notice officially.

And, except in the case of Contraventions, the period is also interrupted if during it the offender commits an offence of the kind for which he was sentenced or an offence similar thereto.

ARTICLE 123. Stay of Operation of Prescriptive Period

Every interruption intervening before the execution of the penalty stays the operation of the prescriptive period whether the said interruption occurs by reason of a legal or physical cause.

ARTICLE 124. Special Pardon

A special pardon may extinguish the penalty either entirely or partly, or may substitute for the penalty imposed a lighter penalty therefor as prescribed by law, but the accessory penalties or any other penal consequences of the conviction are not affected thereby unless the decree granting the special pardon provides otherwise.

ARTICLE 125. Effect of a Special Pardon

Unless the decree for a special pardon otherwise provides:-

1. The Penalty of life imprisonment is substituted for the death penalty;

2. A release under supervision for a period of not less than 5 years is imposed upon a convict sentenced to imprisonment for life where a substitution for that sentence is made or where a pardon therefrom is granted.

ARTICLE 126. Conditional Release

A conditional release may be granted to any convict sentenced to a penalty restrictive of liberty if he has completed three quarters of the period for which he was sentenced if his conduct while in prison is such as to lead to the assumption that he has reformed and that after discharge he will be of good conduct provided that in all events he has undergone a period of not less than 9 months in prison.

If the penalty was one of life imprisonment, the convict may not be released unless he has undergone at least 20 years.

Conditional release may not be granted unless the convict has fulfilled all pecuniary obligations imposed upon him by the Criminal Court in connection with the offence unless it is impossible for him to fulfill those obligations.

ARTICLE 127. Restrictions which may be Imposed upon Conditional Release

The order granting conditional release shall show the restrictions considered necessary to be observed by the convict discharged as regards residence and the manner of earning his livelihood.

In all events the convict granted conditional release shall be placed under supervision for the period equal to the balance of his sentence provided that this period shall not exceed 5 years.

This period shall be deducted from the period of compulsory supervision ordered by the sentence.

Nevertheless, the period of supervision may be reduced or the convict may be wholly pardoned therefrom.

ARTICLE 128. Revocation of Conditional Release

Conditional release may be revoked if the convict commits a breach of the conditions under which he was released or does not fulfill the obligations imposed upon him or if he intentionally commits a Crime or Misdemeanor, If this occurs, the convict is returned to Prison to complete the period of his sentence remaining at the date of his conditional release and conditional release may not again be granted.

ARTICLE 129. When Conditional Release becomes Final

If no order for revocation is made up to the time for expiry of the period for which the conditional release was granted, then shall the release become final and if the penalty for which the convict was sentenced was imprisonment for life, then shall the release become final at the expiry of 10 years from the date when the release was granted.

ARTICLE 130. Effects of Rehabilitation

Rehabilitation may be granted to any person convicted of a Crime or Misdemeanor, provided that the principal and accessory penalties and other penal consequences resulting from the conviction have been extinguished, but this shall not affect responsibility for Civil obligations arising from the conviction.

ARTICLE 131. Conditions for Rehabilitation

For rehabilitation it is necessary:-

1. That the penalty has been wholly executed or otherwise extinguished and the person convicted must have given proof of good conduct;

2. That a period of six years must have elapsed since the execution or extinction for other reasons of the penalty if the penalty was for a Crime and three years if the penalty was for a Misdemeanor. Those periods shall be doubled in the case of recidivists and habitual and professional Criminals and in the case of Criminals with savage tendencies;

3. That Civil obligations and fines and other pecuniary liabilities to which the offender has been sentenced have been paid or it is proved that it is impossible for him to pay them;

4. That the person asking for rehabilitation is not subject to any measures of public security.

ARTICLE 132. Revocation of Rehabilitation

By force of law the order for rehabilitation is revoked if the person to whom it has been granted commits a Crime or Misdemeanor within 5 years of the date of rehabilitation and is sentenced to a penalty restrictive of liberty for a period of three years or more.

CHAPTER 3. GENERAL PROVISIONS AS TO THE EXTINCTION OF OFFENCES AND PENALTIES

ARTICLE 133. Effects of Extinction of Offence and Penalty

Unless the law provides otherwise, only the person to whom the extinction relates shall benefit therefrom.

ARTICLE 134. Plurality of Circumstances Extinguishing the Offence or Penalty

Circumstances which extinguish the offence or penalty operate from the moment at which they occur.

Where a circumstance which extinguishes the offence is combined with a circumstance which extinguishes the penalty, the circumstance which extinguishes the offence shall prevail even if its occurrence was later.

When different circumstances occur at different times to extinguish the offence or the penalty the first to occur extinguishes the offence or the penalty and those which occur later put an end to any consequences of the conviction which have not already been extinguished.

Where more circumstances than one simultaneously occur that which is more favorable to the offender operates to extinguish the offence or the penalty; and in such a case, the provisions of the preceding paragraph apply to the consequences of the conviction which have not been extinguished by the most favorable circumstance.

TITLE VI

DANGEROUS CRIMINALS AND MEASURES OF SECURITY

CHAPTER 1

Definitions and General Provisions

ARTICLE 135. Social Danger

A person who is a special danger is one who commits an act made by the law an offence and who, having regard to the circumstances set forth in Article 28, is likely to commit other acts made offences by law even though neither answerable nor punishable for any offence.

Social danger is presumed under the conditions laid down by law.

The provisions of the law for the application of measures of security are enforced against a person who is a social danger.

ARTICLE 136. Particular Classes of Special Danger

Habitual and Professional Criminals and those having savage tendencies are subject to special measures of security as provided for by law.

ARTICLE 137. Imposition of Measures of Security

Measures of security may not be imposed except as enacted by law and within the limits prescribed by law.

ARTICLE 138. Alternation of Laws

Measures of Security are executed in accordance with the law in force at the time they are ordered.

Where the law in force at the time the measure are ordered differs from that in force at the time of execution then shall the latter law be applied.

ARTICLE 139. Proof of Social Danger

Measures of Security are applied when a person is proved to be a social danger or is presumed to be so by law.

Although by law a person may be presumed to be a social danger yet, in the following circumstances, proof of that quality is required:-

1. After 10 years from the day when the act was committed if the person was of unsound mind in the conditions set forth in Article 149 of this Code;

2. In other cases after five years from the day when the act was committed.

ARTICLE 140. Decision of the Judge for Application of Measures of Security

The Judge gives his decision to apply measures of security in the same Judgment whereby he convicts or acquits.

They may be ordered in another decision by the Supervising Judge in the following circumstances:-

1. If a conviction is made during the execution of the penalty or during the time when the convict has fled to avoid execution of the penalty;

2. In the case of an acquittal, when the quality of the person who is a social danger is presumed, and a period equal to the minimum term of the appropriate measure of security has not elapsed.

ARTICLE 141. Revocation of Personal Measures of Security and Review of Social Danger

A measure of personal security may not be revoked if the person to whom it has been applied has not ceased to be a social danger.

When the minimum term prescribed by law for the measure of security has elapsed, the Judge shall review the circumstances of the person who has been subjected to the measure and if it appears that the person is still a social danger, the Judge appoints a time for a further review.

Nevertheless where the social danger in respect of which the measures were applied comes to an end an order of revocation thereof may issue before the termination of the minimum period therefor prescribed by law or before the expiration of the additional period appointed for further review even in circumstances where the law presumes that the person is a social danger.

ARTICLE 142. Effect of Extinction of Offence or Penalty

The extinction of the offence excludes the application of measures of security and terminates their execution. In the same way, the extinction of the penalty excludes the application of measures of security except such accessory measures to a sentence of imprisonment for a term greater than 10 years as have already been ordered by a Judge.

Nevertheless, release under supervision for a period of not less than two years is substituted for measures involving restriction of liberty.

ARTICLE 143. Execution of Measures of Security

Measures of security which are ordered in addition to a penalty involving restriction of liberty are executed after the sentence has

been served or otherwise extinguished.

Measures of Security ordered in addition to a penalty which does not involve restriction of liberty are executed after the Sentence has become final.

CHAPTER 2. MEASURES OF PERSONAL SECURITY

ARTICLE 144. Kinds of Personal Measures of Security

Measures of personal security are divided into two kinds: those detentive and those not detentive. Those detentive are:-

1. Relegation to a place of internment;
2. Treatment in a hospital for mental diseases;
3. Treatment in one of the Reformatories.

Those not detentive are:-

1. Release under supervision;
2. Restriction as to residence in one or more Provinces or Districts;
3. Exclusion from Bars of Public Places in which intoxicating liquors are consumed;
4. Deportation of an Alien from the State Territory.

ARTICLE 145. Relegation to a Place of Internment

The persons hereinafter mentioned are relegated to special places of internment:-

1. Habitual and Professional Criminals or those having savage tendencies;

2. Those previously decided to be habitual or professional criminals or to have savage tendencies and, having been subjected to measures of security of which they have been relieved, then intentionally commit a new offence of the same kind which is a further manifestation of their habitual or professional delinquency or savage tendency;

3. Whoever has not the conditions required by law to bring him within the definition of an habitual or professional criminal or one having savage tendencies, but who shows pronounced qualities of social danger and which indicate that no useful purpose will be served by putting him under supervision or by imposing a security for good conduct. Under these conditions, the period of internment shall not be less than one year.

ARTICLE 146. Habitual Commission of Crime or Misdemeanor

Where a person has been previously sentenced for two cimrs or two misdemeanors intentionally committed and he is again sentenced for a crime or misdemeanor intentionally committed, if it appears from the nature of the offence committed and the social danger therein involved and from the time at which it was committed and from the conduct and reputation of the offender or from other circumstances set forth in paragraph 2 of Article 28 of this Code that the offender is addicted to crime, then may the Judge decide that the offender shall be considered as an habitual criminal and order that he be sent to a special place of internment there to be interned for a period of not less than two years with effect from the termination of the period of the penalty imposed upon him.

ARTICLE 147. Professional Criminals

Whoever in the circumstances which require him to be declared an habitual criminal is convicted of another offence is declared to be a professional criminal whenever the Judge considers that, having regard to the nature of the offences, the conduct and manner of life of the offender, and the other circumstances specified in the second paragraph of Article 28, it is to be presumed that the offender is living habitually or even in part on the earnings of his offences.

Under these circumstances the period of internment shall not be less than three years.

ARTICLE 148. Savage Tendencies to Offences against Persons

Whoever, with slight or base motives or with harshness or savagery, commits a crime against the life or safety of another punishable by restriction of liberty for not less than 5 years shall be considered as an offender of savage tendency although he may not be a recidivist or a habitual or professional criminal and shall be sent to a place of internment there to remain for a period of not less than four years.

ARTICLE 149. Provision of Care in Hospital for mental Diseases

In the case of acquittal for mental infirmity or for chronic intoxication by alcohol or drugs or by reason of the offender being a deaf-mute, the treatment of the accused shall always be ordered in a Hospital for Mental Diseases for a period of not less than two years, provided that the act committed was not a Contravention, or negligent Misdemeanor, or other offence the punishment for which as prescribed by law is a fine or penalty restrictive of liberty the maximum term of which does not exceed two years.

If the penalty prescribed by law for the act was death or imprisonment for life then the period of treatment in the Hospital for Mental Diseases shall not be less than 10 years and the period thereof shall be 5 years at least where the minimum penalty for the offence prescribed by law is 10 years, but this provision as to the minimum period of care does not prevent the application of the last paragraph of Article 141 of this Code.

An order for treatment in a Hospital for Mental Diseases postpones the execution of any penalty restrictive of liberty.

The provision of this Article shall apply to juveniles not criminally responsible if any of the conditions set forth in the first paragraph of this Article are present.

ARTICLE 150. Treatment of Juveniles in a Judicial Reformatory

Treatment in a Judicial Reformatory is one of the special measures of security for juveniles criminally responsible. The period of treatment shall not be less than one year.

ARTICLE 151. Juveniles not Responsible Criminally

If a juvenile under the age of 14 years commits an act made by law a Crime or Misdemeanor not negligent and the juvenile has dangerous tendencies, the Judge, after having regard to the gravity of the act and the moral conditions of the family of the juvenile, shall order that the juvenile be treated in a Judicial Reformatory or that he be released under supervision, but the order for supervision shall not be made unless it is possible for

the order to be carried out by delivering the juvenile to his parents or to those responsible for his education and care, or by delivering him to one of the Societies for Social Aid.

The previous provisions also are applied to a juvenile who has completed 14 years of age but has not completed the age of 18 years if it is proved that he had not the capacity of conscience and volition at the time of the commission of the act made by law a Crime whereby he may be said to be irresponsible.

If during the period of supervision, it appears that it is doubtful whether he will reform, then may treatment in a Reformatory be substituted for the supervision.

ARTICLE 152. The Circumstances under which Release under Supervision may be Imposed

Release under supervision may be imposed:-

1. At the time of sentence of imprisonment for a period greater than one year;

2. In the circumstances where the Judge considers that it is not suitable to impose security for good conduct after the termination of the period of treatment in a place of internment;

3. In other circumstances laid down by law.

ARTICLE 153. The Circumstances under which it is Incumbent to order Release under Supervision

Release under supervision must always be ordered under the following circumstances:-

1. At the time of imposing a penalty of imprisonment for a period of not less than 10 years and in this case the period of supervision must not be less than 2 years;

2. When the person sentenced is granted a conditional release;

3. Under other circumstances prescribed by law.

ARTICLE 154. Release under Supervision

The period of release under supervision shall not be less than one year, but in the case of juveniles the provisions of Article 151 of this Code are applied unless otherwise provided by law.

The Authorities for Public Security are entrusted with the supervision of the execution of the conditions imposed upon the person subject to release under supervision.

The Judge shall impose upon the person released under supervision such conditions as are likely to prevent him from committing further offences.

The Judge may subsequently alter or annul those conditions. The Supervision is to be exercised in such a manner as to facilitate by means of labor the restoration of the person to social life.

ARTICLE 155. Breach of the Conditions Imposed

If a person breaks the conditions imposed upon him by the order for supervision, the Judge may, in addition to the supervision,

order him to give security for his good behavior, except where the person is discharged conditionally, since in this case a breach of the conditions results in the cancellation of the discharge.

If the person fails to provide the security ordered or again commits a breach of the conditions, the Judge may substitute for the order for conditional release an order relegating the offender to a place of internment for a period of not less than three months.

ARTICLE 156. Restriction as to Residence

Any person who has committed an offence against the State or against Public Security, or an offence occasioned by social or moral conditions particular to a certain place may be restricted as regards residence to one or more Mudiriyahs, or to any other Administrative District to be appointed by the Judge.

The period of restriction shall not be less than one year.

If the conditions as to residence are broken, the minimum period of the restriction shall begin to run again and, in addition, supervision of the offender may be ordered.

ARTICLE 157. Exclusion from Frequenting Bars or Public Places where Intoxicating Liquors are Obtainable

Exclusion from frequenting bars or public places where Intoxicating Liquors are obtainable shall be for a period of not less than one year.

It is obligatory to order the exclusion with the penalty in all cases where the person sentenced is a habitual drunkard or where the offence was committed while drunk, and it is proved that the offender is an addict.

If the person so excluded commits a breach of the order, then, in addition to the order of exclusion, he may be placed under supervision or called upon to furnish security for good behavior.

ARTICLE 158. Deportation of Aliens from State Territory

The Judge must order the deportation of any Alien sentenced to imprisonment for a period of not less than 10 years, as also may an Alien be deported under the circumstances provided for by law.

Laws dealing with the contravention of orders of deportation issued by the Administrative Authorities are applied to an Alien who contravenes the order of deportation.

CHAPTER 3. MEASURES FOR SECURITY FOR PROPERTY

ARTICLE 159. Definitions and General Provisions

The measures for security for property are as follows:-

1. Security for good behavior;
2. Confiscation.

In respect of confiscation, the provisions of the last paragraph of Article 135 and Article 139 and the second paragraph of Article 140 and Article 143 are not applied.

The provisions of Article 141 are also applied in the case of security for good behavior.

ARTICLE 160. Security for Good Behavior

Security for good behavior is given by a deposit in the Treasury of the Office for the collection of fines and costs of a sum of not less than 20 pounds and not exceeding 300 pounds.

Instead of a cash deposit, a security by mortgage or joint bond may be given.

The period of security may not be less than one year nor more than five years with effect from the day upon which the security is given.

ARTICLE 161. Breach of Order for Security

If the security or bond is not forthcoming, the Judge may substitute for the security an order for release under supervision.

ARTICLE 162. Fulfillment of Condition for Good Behavior or Breach Thereof

If during the period of the measure for security the person subjected thereto commits no intentional Crime or Misdemeanor, an order shall be made to repay the sum deposited or to revoke the mortgage or to discharge the bond.

In any other case the sum deposited or guaranteed is forfeited to the State Treasury.

ARTICLE 163. Obligatory Confiscation

Confiscation is always ordered of the following:-

1. Things obtained or gained by the offence in respect of which a conviction or Judicial Pardon has been pronounced, unless the owner thereof had no part in the offence;

2. Those things of which the making, use, carrying, possession, or dealing therein is made an offence, even if no conviction has been pronounced.

ARTICLE 164. Permissible Confiscation

Upon sentence to the penalty or in the case of Judicial Pardon, the following may be confiscated:-

1. Things used or prepared for the commission of the offence;

2. Those things of which the making, use, carrying, possession or dealing therein is made an offence so long as a license therefor from the Administrative Authorities is not in existence.

The previous provisions of this Article shall not apply where the owner thereof had no part in the offence.

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BOOK TWO

CRIMES AND MISDEMEANOURS AGAINST THE PUBLIC INTEREST

TITLE I

Crimes and Misdemeanours against the Individuality of the State.

CHAPTER I

Crimes and Misdemeanours to the Detriment of the Entity of the State.

ARTICLE 165. Bearing of Arms by Libyans Against the State.

Any Libyan bearing arms against Libya or who takes service in any manner in the armed forces of a State at war with Libya shall be punished by death.

Whoever is in the territory of an enemy State and Commits an act to which he was constrained by an obligation imposed upon him by the laws of that State is not liable to punished.

ARTICLE 166. Plotting with Foreign State to make war against Libya.

Whoever gives information to a Foreign State or to one of its officials or to any person acting in the interests of that Foreign State, or who plots with the said State or with the persons aforesaid, with the object that the said State may make war or carry out hostile acts against Libya shall be punished by death whether the object be realised or not.

ARTICLE 167. Plotting with an Alien to the Detriment of the Military or Political States of Libya. (See Article 224.)

Whoever, in time of peace, plots with a Foreign State or with one of its officials, with the object of causing detriment to the Military, Political or Doplomatic Status of Libya shall be punished by imprisonment for a period of between one and six years.

The same penalty shall be applied to whomsoever intentionally destroys, secretes or falsifies documents knowing the same to be advantageous to the proof of the rights of Libya before a Foreign State.

If the offences aforementioned are committed during the time of war the penalty shall be imprisonment for a period of from three to ten years.

The penalty shall be doubled if the offender was a Public Official or an Envoy charged with Public Service or if he has been entrusted by the State with any matter of importance whatsoever.

ARTICLE 168. Raising Troops or Hostile Acts against a Foreign State.
(See Article 224.)

Whosoever, without the consent of the Government, raises troops against a Foreign State or does any other hostile act whereby the Libyan State may be exposed to the danger of war shall be punishable by imprisonment for a period of from six months to five years.

If, as the result of the act, diplomatic relations are severed, or, by reason of the hostile act, the Libyan State or its subjects wherever they may be are exposed to retaliation then shall the penalty be imprisonment for a period of from two to ten years.

If war results then shall the offender be punished with imprisonment for life.

ARTICLE 169. Corruption from an Alien.

If a Libyan obtains, even indirectly, money or any other advantage or any promise thereof from an alien with the object of his performing acts to the detriment of the National interest he shall be punished by imprisonment for a period of from three to five years and by fine of between one hundred and one thousand pounds if the act was committed in time of peace.

The penalty is doubled if the offence is committed during the time of war.

The alien who gives the money or other advantage or who promised the same shall be punished by the same penalty.

ARTICLE 170. Acts Prejudicial to State Territory and Facilitation of War against it.

Shall be punished by death :-

Whoever facilitates the entry of the enemy into the country or who surrenders to him Cities, Fortresses, Establishments or places, ports, stores, ammunition factories, or ships or aeroplanes used in the defence of the Country or prepared therefor, or means of communication, or arms, ammunition, or materials of war, or provisions, or food, or who assists the enemy with troops or with men or money, or engages to supply him with information or to act as a guide, or who incites Libyan Troops to desert to the enemy, or, generally, assists the approach of the enemy by raising insurrection or by raising fear among individuals of the forces defending the Country, or prevents their contact the one with the other in meeting the enemy, or disturbs the loyalty of the National Forces defending the Country or their allegiance to the King, or in any other manner.

ARTICLE 171. Disclosure of Information of a Secret Nature to Representatives of a Foreign Government and the obtaining thereof for the purpose of Spying.

Whoever, in whatever manner or by whatever means, gives to a Foreign Government or to one of its representatives or to anyone acting in its interest, information of a secret nature relating to the defence of State Territory or any secret information of a similar nature shall be punished with imprisonment for life.

Whoever obtains secret information of the aforesaid nature by whatever means with the intention of communicating the same, directly or indirectly, to a Foreign Government, or whoever, to the advantage of a Foreign State, destroys or renders useless, either wholly or in part, such secret information is punishable by the same penalty.

The Penalty shall be death if the offence is committed in time of war.

ARTICLE 172. Clandestine Intrusion into Military Areas and Wrongful Possession of Means of Intelligence.

Shall be punished by imprisonment for a period of from six months to five years :-

1. Whoever intrudes clandestinely or fraudulently into any place or area on land, on the sea, or in the air, to which access is forbidden in the Military interests of the State;

2. Whoever is found in any such place or area, or in proximity thereto, in wrongful possession of means adapted for spying;

3. Whoever is found in wrongful possession of papers, documents, or any other article adapted for the purpose of supplying information relating to the safety of the State or any information legally regarded as of such a nature.

If any act before-mentioned in this Article is committed in time of war then shall the penalty be imprisonment of from three to ten years.

ARTICLE 173. Obtaining Intelligence relating to the Defence of the Country or Similar Secret Information.

Shall be punished by imprisonment for a period of from six months to five years and by fine of from one hundred to five hundred pounds :

1. Whoever, by whatever means of deceit, obtains secret intelligence relating to the defence of the Country, but not for the purpose of disclosing the same to a Foreign State, or to any of its representatives, or to any person acting in the interests thereof;

2. Whoever arranges or uses any means of telephonic or wireless communication or similar means of communication with the purpose of obtaining intelligence as to the defence of the Country or of what may be regarded as such or to communicate the same for a purpose other than espionage.

The penalty shall be imprisonment for a period of from three years to fifteen years if the act is committed in time of war.

ARTICLE 174. Circulation of Secret Information as to Defence.

Whoever, by any means whatsoever, circulates information of a secret nature relating to the defence of the Country or of what may be regarded as such shall be punished with imprisonment for a period of from six months to five years and with a fine of from one hundred to five hundred pounds.

If the offence occasions damage to the military preparations of the Country for defence or if the offender was a Public official or one in the capacity of a Public Prosecutor or a delegate appointed for some important purpose or one representing the Government or if the offence was committed in time of war then shall the penalty be imprisonment for a period of from three to fifteen years.

ARTICLE 175. Spreading Despondency. (See Article 224.)

Whoever intentionally circulates news or information or rumours which are false or biassed or intended during time of war to spread agitation, with the purpose of affecting the Military preparations of the Country for defence or to cause terror among the people or to weaken the endurance of the Nation shall be punishable by the penalties prescribed by Article 173 of this Code.

ARTICLE 176. Spreading Despondency among the Troops.

Whoever incites the troops to disobey the laws, or to be false to the oath they have taken, or to fail in the duty of their military discipline, or any other duty inherent in their position, or induces them to approve of acts contrary to the laws, to their oaths, to their discipline, or to any other military duties, shall be punished by a penalty of imprisonment of from one to three years, provided that the act does not consituto a graver offence. If the offence was committed publicly then shall the penalty be imprisonment for a period of from two to five years.

The penalty shall be doubled when the offence is committed in time of war.

ARTICLE 177. Spreading Economic Despondency. (See Article 224)

Whoever, in time of war, uses means to jeopardise the Rate of Exchange or to influence prices of securities, public or private, in such a manner as to endanger the National resistance to the enemy shall be punished by a penalty of imprisonment of which the period shall not be less than five years and by a fine of not less than one hundred pounds.

If the act was committed as the result of intelligence from a foreigner the period of imprisonment shall not be less than seven years.

If the act was committed as the result of Intelligence from the enemy the period of imprisonment shall not be less than ten years.

ARTICLE 178. Anti-National Activities of a Libyan Abroad. (See Article 224)

Any Libyan who, being outside the Territory of the State, disseminates or communicates rumours or information which are false, exaggerated, or tending to agitate and which relate to the internal condition of Libya in such a manner as to diminish the credit or prestige of Libya abroad or who, in any way, acts so as to injure the National interests shall be punished with a penalty of imprisonment of which the period shall not be less than five years.

ARTICLE 179. Sabotage or Destruction of Military Works.

Whoever intentionally destroys or makes useless any arms, or ships, or aeroplances, or works, or establishments, or means of communication, or appurtenances, or materials, or food, which are used for the purpose of the defence of the Country, or what may be considered as such, or in the manufacture of the aforesaid things intentionally damages them with the object of rendering them unfit for the purpose of their use in defence or to expose to danger the lives of those within them or of those entrusted with their use, or so that any accident may result there from is punishable by the penalty of imprisonment for life.

If the offence is committed in time of war then shall be penalty be death.

ARTICLE 180. Failure to Perform Contracts of Supplies to the Government or Fraud therein. (See Article 224.)

Whoever, in time of war, intentionally fails to perform, whether in whole or in part, any obligation arising out of a contract with the Government whereby he is engaged to supply things or Public Works to meet the needs of the Army or Civilians or who is guilty of fraud in the performance of his obligations under a contract of the kind aforesaid shall be punished by a penalty of imprisonment of from six months to five years and by a fine of from one hundred to five thousand pounds.

Sub-Contractors shall be subject to the same penalty if they fail in their obligations or are guilty of fraud in the performance of their obligations.

If the failure to perform the obligation, whether wholly or in part, results from negligence then is the penalty reduced to the extent of not more than one half.

ARTICLE 181. Purchase of Arms and Stores unfit for Use. (See Article 224.)

Whoever, by virtue of his office, is entrusted with the purchase of arms or stores or materials for supply to the Army and who purchases, or recommends the purchase of, arms or materials knowing that they are not fit for the purpose for which they are required or that they are a danger to life shall be punished by a penalty of imprisonment for a period of not less than five years.

If as the result of the offence one person dies, or two persons or more suffer grievous bodily harm, then shall the penalty be imprisonment for life; if more than one person dies as the result of the offence then shall the penalty be death.

If the penalty is committed in time of war and interferes with the results of war operations then shall the penalty be death in every case.

ARTICLE 182. Making use of State Secrets.

If a Public Official for his own benefit or for the benefit of another, uses any invention, or scientific discovery, or new industrial appliance, knowing, by virtue of his appointment or service of the necessity that the same shall remain secret in the interest of the safety of the State he shall be punished by a penalty of imprisonment for a period of not less than five years and of a fine of not less than two hundred pounds.

If the act is committed in the interest of a State at war with Libya or has interfered with the Military preparations or efficiency of the State or with its military operations then shall the penalty be death.

ARTICLE 183. Treason against the State.

Whoever, being entrusted by the Libyan Government with affairs of the State abroad, betrays that trust shall be punished by a penalty of imprisonment for a period of not less than five years if it is probable that his act may result in harm to the National interest.

ARTICLE 184. Facilitation of the Commission of Offences hereinbefore referred to.

Shall be punished by a penalty of imprisonment for a period of up to three years and with a fine of from twenty to two hundred pounds, or by one of the said penalties:

1. Whoever, knowing of the intention of a person to commit, or to attempt to commit, one of the offences provided for in Article 165, 166, 170, 171 and 179, assists the said person by giving him sustenance, housing, shelter or a place for assembly, or any other form of aid;

2. Whoever conceals the things or instruments used or prepared for use in the commission of the offences aforesaid, or the things, or materials, or papers obtained by the offences, having knowledge of the circumstances;

3. Whoever carries messages of the person committing or attempting to commit one of the aforesaid offences or facilitates in whatever manner, the search for and concealment of the object of the offence or removes or communicates the same, knowing, under both circumstances, of the offence.

If the offence is committed in time of war then shall the penalty be imprisonment of from six months to six years and fine of from one hundred to five hundred pounds.

ARTICLE 185. Facilitation of the aforesaid Offences by Negligence.

Whoever in time of peace, negligently facilitates the commission of one of the offences provided for by the Articles mentioned in the preceding Article shall be punished by a penalty of detention for a period not exceeding one year or by a fine not exceeding one hundred pounds or by both these penalties.

If the offence is committed in time of war then shall the penalty be detention or a fine of from fifty to two hundred pounds or both.

ARTICLE 186. Failure to give Notice of the Offences under Article 184.

Whoever knows of the commission of one of the acts mentioned in the provisions of Article 184 or of the attempt to commit the same, not having taken part in any preparation therefor, and does not give notice thereof to the Administrative or Judicial Authorities at the time when he comes to know of the same shall be punished by the penalties prescribed by the previous Article.

ARTICLE 187. Conditions for Exemption from Penalties.

If anyone gives information to the Administrative or Judicial authorities of the offence before the attempt to execute any act thereof he shall be excused from the penalties for the offences referred to in this Title.

If the information is given after the commission of the offence, or the attempt thereof, the informer may be excused from the penalties, provided th t the information was given before the investigation has been commenced.

As also may an offender be excused from the penalties who, after the commencement of the investigation, has made possible the arrest of the offenders and their accomplices in the same offence or one similar thereto in kind and gravity.

ARTICLE 188. Disclosure of Secret Information of Investigations.

Whoever discloses information as to the investigations or searches relating to one of the offences provided for by this Title shall be punished by the penalties prescribed by Article 185 of this Code.

An increase of not more than double the penalty shall be made if the offence is committed by one who has knowledge of the secret information by virtue of his office or during the time when he is entrusted with a Public Service.

ARTICLE 189. Definitions.

In the application of the provisions of this Title :

Firstly, a Libyan who has lost his nationality for the purpose of avoiding his obligations of fidelity and loyalty to his Country shall remain a Libyan;

Secondly, the expression "the country" shall mean the territory over which Libya has dominion and power;

Thirdly, "Secret information relating to the defence of the Country" intends the things, documents, evidence or information which in the interests of the defence of the Country should not be known by anyone other than those entrusted with keeping them;

Fourthly, to be included within the meaning of secret information relating to the defence of the Country are things, documents and information which are by an order of the appropriate Authority to be considered as secret or of which, although of themselves not secret, the publication might lead to the disclosure of secret information relating to the defence of the Country;

Fifthly, within the meaning of the expression "time of War" is included the period during which the danger of war is imminent, if, in fact, war ensues thereafter;

Sixthly, if an offense provided for in this Title is, in time of war, committed against an ally of Libya the said offence shall be considered as falling within the provisions for the offences committed against the Libyan State;

Seventhly, the expression "The State at War with Libya" shall include political Organizations having dealings with the States at war although they may not be recognized as States.

CHAPTER 2.

Crimes and misdemeanours to the Detriment of the Internal Safety of the State.

ARTICLE 190. Attacks against the King or Queen or Crown Prince or One of the Regents.

Whoever makes an attack upon the life or safety of the King, or makes a grave attack upon his personal liberty shall be punished by death or imprisonment for life.

The same penalties shall apply if the attack is directed against the life of the Queen or the Crown Price or one of the Regents, or if the attack is upon their safety or personal liberty.

ARTICLE 191. Attack upon the Liberty of the King or Queen or Crown Prince or a Regent. (See Article 224)

Whoever, in conditions not provided for by the preceding Article, make an attack upon the liberty of the King or Queen or Crown Prince or one of the Regents shall be punishable by a penalty of imprisonment of from five to fifteen years.

ARTICLE 192. Offenses against the Honour of the Royal Person. (See Article 224)

Whoever dishonours the Royal Person shall be punished with a penalty of imprisonment for a period of from two to seven years.

The same penalty shall apply as against whomsoever shall commit the offence against the Queen or the Crown Prince or one of the Regents.

ARTICLE 193. Imputing Blame to the King Publicly. (See Article 224)

Whoever publicly imputes blame to the King for an act of the Government, or lays upon the King responsibility for that act, shall be punished by detention for a period not exceeding one year and by fine of between twenty and one hundred pounds or by one of these two penalties.

ARTICLE 194. Attacks Upon the Royal Attributes. (See Article 224)

Whoever publicly attacks the Royal Attributes or the order of the succession to the Throne or the rights of The King or his powers shall be punished b detention for a period not exceeding two years and by a fine not exceeding three hundred pounds, or by one of these penalties.

ARTICLE 195. Insulting Constitutional Authorities. (See Article 224.)

Whoever publicly insults the King's Government or the Parliament or one of the Legislative councils or the Judicial Organization or the Armed Forces shall be punished by the penalty prescribed by the preceding Articles.

ARTICLE 196. Attacks upon the Constitution of the state.

Whoever, by force or in any other unconstitutional manner, attempts to alter the Constitution of the State or the form of Government or the order of the Royal Succesion shall be punished by imprisonment for life or by imprisonment for a period of not less than five years.

If the offence is committed by an armed band whoever raised the armed band or assumed leadership thereof in whatsoever manner shall be punished by death.

ARTICLE 197. Use of Explosives in the Commission of the Offence provided for by the Preceding Article.

Whoever uses bombs or other explosive instruments with the intention of committing the offence provided for in the preceding Article or for the purpose of political assassination shall be punished by death.

Whoever makes, imports from abroad, or obtains bombs or dynamite or other explosives with the intention of committing the act hereinbefore mentioned shall be punished by imprisonment for a period of not less than three years.

The expression "explosives" shall include every substance entering into the composition of explosives as also the equipment tools or chemicals and articles used in the manufacture of explosives or in detonating them.

ARTICLE 198. Destruction of Government Buildings, Warehouses or Property.

Whoever intentionally destroys buildings warehouses or other structures the property of the Government shall be punished by imprisonment for life or by imprisonment for a period of not less than three years.

ARTICLE 199. Forceful or Unlawful Seizure of Military Leadership.

Whoever, for a Criminal purpose, takes over the leadership of a Division or Detachment of the Army, or part of the Navy, or a Warship or War Aircraft, or a military point, or a Port, or City, not being required to do so by the Government, or empowered thereto by any other lawful reason, shall be punished by death. As also shall be punished by death whoever remains in any position of military leadership against the order of the Government issued to him and every head of a military force who keeps the troops under his command under arms or assembled after the Government has issued its order to him to disband them.

ARTICLE 200. Use of Forces Contrary to the Orders of the Government.

Whoever is invested with authority over the soldiers of the Army or members of the Police Force and who demands from them or requests them to do acts delaying the execution of the orders of the Government as to their recruitment or service shall be punished with a penalty of imprisonment for a period of not less than three years.

If as the result of the demand or request aforesaid delay occurs in the execution of the orders of the Government by reason of the obedience of the members of the Forces aforementioned to the unlawful demand or request aforesaid then shall the penalty be death.

In the case of the Chiefs and Leaders of the Forces of a lower rank who obeyed the unlawful orders aforesaid they shall be punished by a penalty of imprisonment for a period of not less than three years.

ARTICLE 201. Armed Insurrection against the State Authorities.

Whoever instigates armed insurrection against the State Authorities shall be punished by a penalty of imprisonment for life, and if the insurrection in fact occurs the penalty shall be death.

Whoever takes part in the insurrection shall suffer a penalty of imprisonment for a period of from three to fifteen years and the leaders thereof shall be punished by death.

The insurrection shall be considered as armed even although the arms prepared for the purpose are deposited in a store so long as they are prepared for use.

ARTICLE 202. Devastation, Rapine and Carnage.

Whoever for the purpose of attacking the security of the State commits an act the object of which is to bring devastation, rapine or carnage into the territory of the State shall be punishable by death.

ARTICLE 203. Civil War.

Whoever commits an act for the purpose of stirring up Civil War in the State shall be punished by a penalty of life imprisonment.

If Civil War equally results the offender shall be punishable by death.

ARTICLE 204. Attacks upon the Legislative and Executive Authorities.

Shall be punished by a penalty of imprisonment for a period of not less than three years, unless theact constitutes a graver offence, whoever commits an act the object of which is to prevent, whether wholly or partly, the exercises by the Authorities hereinafter mentioned of their business or of the authority with which they are lawfully invested, even although that prevention be temporary:

1. The Federal Government, the Ministers, and Nazirs:
2. Parliament, or one of its Assemblies, as also the Legislative Councils in the Provinces.

The penalty shall be imprisonment for a period of from one to three years if the purpose of the act was the disturbance of the exercise by the said Authorities of their powers or business aforesaid.

ARTICLE 205. Contempt of the Nation and its Emblems.

Whoever publicly insults the Libyan Nation or its Flag or State Emblems shall suffer a penalty of imprisonemont for a period not exceeding three years.

For the purposes of Criminal Law the expression "The National Flag" shall include the Official State Flag and every other flag carrying the National colours.

The provisions of this Article shall also apply to whomsoever shall publicly insult the colours which collectively indicate the National Flag.

ARTICLE 206. Terrorist Associations.

Whoever, within the Kingdom of Libya, promotes, organises, or directs Associations whose object is by force, terror, or any other unlawful means, to establish the authority of one social class over

another class, or to suppress a social class, or to overthrow the political, social, or economic structure of the State, shall be punished by a penalty of imprisonment for a period of from three to ten years and by a fine which shall be not less than one hundred pounds and shall not exceed one thousand pounds.

The same penalty shall be applied to whomsoever promotes, organises or directs, within the Kingdom of Libya, associations the object of which is by force, terror, or any other unlawful means to suppress any political institution of Society.

Whoever takes part in any of the associations referred to in the first and second paragraphs of this Article shall be punished by a penalty of imprisonment for a period of from six months to three years and by a fine which shall not be less than fifty nor more than two hundred pounds.

Whoever, within the Kingdom of Libya, takes part in or joins any of the aforesaid associations having their headquarters outside the Kingdom of Libya shall be punished by a penalty of imprisonment for a period of from fifteen days to two years and by a fine not exceeding one hundred pounds.

ARTICLE 207. Incitement to Insurrection and Sanction of Revolutionary Movements.

Shall be punished by a penalty of imprisonment for a period not exceeding five years and by a fine of not less than fifty pounds nor more than five hundred pounds, whoever circulates, within the Kingdom of Libya, by whatever means, any views or principles whose object is to alter fundamental Constitutional principles, or the fundamental social order, or to impose the rule of one social class over another, or to suppress a social class, or to overthrow the Constitutional Social or Economic order of the State, or to destroy any Constitutional order of Society, by the use of force, terror or any other unlawful means.

The same penalty shall be applied to whomsoever, by what ever means, sanctions the acts aforesaid.

ARTICLE 208. Formation of International Associations and Taking Part in them without Permission. (See Article 224)

Whoever in the Kingdom of Libya, without permission from the Government, promotes, organises, or directs associations or bodies of an international character, or branches thereof, shall be punished by a penalty of detention for a period not exceeding six months or by a fine not exceeding fifty pounds.

The maximum penalty shall be doubled if permission from the Government has been granted by reason of false or imperfect information.

Whoever takes part in the Societies or associations or bodies before-mentioned shall be punished by a penalty of detention for a period not exceeding three months or by fine not exceeding thirty pounds; as also any Libyan living within the Kingdom of Libya who, in whatever manner without the permission of the Government, joins any of the associations aforesaid having their headquarters abroad.

ARTICLE 209. Accepting Presents or Rewards for Promoting Insurrection.

Shall be punished by imprisonment for a period not exceeding five years and by fine of not less than fifty pounds but not exceeding one thousand pounds, whoever accepts or obtains, directly

or by any means whatsoever, money or advantage of any kind from whatsoever person or from whatsoever source within the Kingdom of Libya or abroad, when the acceptance or obtaining thereof was in respect of the promotion of offences provided for the three preceding Articles.

ARTICLE 210. Accessory Proceedings.

Upon conviction under the circumstances set for in Articles 206 & 298 of this Code the Court shall order the dissolution of associations mentioned therein and the closure of their headquarters.

In the other circumstances set forth in the four preceding Articles the Court shall, upon conviction, order the confiscation of money, goods, documents and other articles used by the offenders for the commission of the offence or obtained by them in any manner as the result thereof.

ARTICLE 211. Conspiracy.

If several persons conspire to commit one of the intentional offences provided for by Chapters 1 and 2 of this Title, punishable under this Code by death, imprisonment for life or imprisonment, each person taking part in the said conspiracy shall be punishable by a penalty of imprisonment for a period of between one year and six years if the offence is not committed and the penalty shall be increased by not exceeding one third in the case of the person who promoted the conspiracy.

Nevertheless the penalty shall not exceed half the penalty prescribed for the offence which is the object of the conspiracy.

ARTICLE 212. Associations of Political Conspiracy.

If an association of three persons or more is formed for the purpose of committing one of the offences referred to in the preceding Article the person who promotes, founds, or organises the association shall be punishable by a penalty of imprisonment of from five to twelve years and the leaders thereof shall suffer the same penalty.

One who only took part in the association shall be punishable by a penalty of imprisonment of from two to eight years.

The penalty shall be increased by not more than a third if the purpose of the association was to commit two or more of the said offences.

ARTICLE 213. Armed Bands.

Whoever promotes, founds or organises an armed band for the purpose of committing the offences referred to in Article 211 shall be punishable by a penalty of imprisonemont for a period of from five to fifteen years.

One who merely takes part in the armed band shall be punishable by a penalty of imprisonment for a period of from three to nine years but he who leads the armed band or finances the same shall suffer the same penalty as the promoters thereof.

ARTICLE 214. Aiding those Taking Part in an Armed Band.

Whoever shelters or supplies with provisions a person taking part in an armed band shall be punishable by a penalty of imprisonment for a period not exceeding two years if he does not take part in the offence or does not assist in its commission.

If the sheltering or supplying with provisions is continuous then shall the penalty be increased by a third.

The penalty shall not be reduced if the offender is sheltered or supplied with provisions by one of his kindred.

ARTICLE 215. Exemption from Punishment in Circumstances of Conspiracy.

In the circumstances provided for by Articles 211 and 212 of this Code the persons mentioned hereinafter shall not be punishable:

1. Any person who, in whatsoever manner, dissolves or causes the dissolutation of the association.

2. Any person who withdraws from the conspiracy or association not being the leader or promotor thereof, before the commission of the offence agreed to be committed or for which the association was formed and before the members of the association have been arrested or before the institution of proceedings against them.

Similarly, no person shall be punishable who has prevented the carrying out of the offence agreed upon or in respect of which the association was formed.

ARTICLE 216. Exemption from Punishment in the case of Armed Bands.

In the circumstances provided for by Article 213 and 214 of this Code the persons hereinafter mentioned shall be exempt from punishment:

1. Whoever dissolves or causes the dissolution of the armed band.

2. Whoever withdraws from the band or surrenders without resistance and gives up his arms or abandons them, not being the leader or promotor of the armed band.

It is a condition that these acts be done before the commission of the offence for which the armed band was formed and before any orders are issued by the Public Authorities or Armed Forces of the State or immediately thereafter. Likewise no penalty is inflicted upon him who prevents the carrying out of the offence for which the armed band was promoted.

ARTICLE 217. Attacks upon the Political Rights of a Libyan Subject.

Whoever prevents another, either wholly or partly, by Force, threats, or by deceit, from the exercise of a political right shall be punished by a penalty of imprisonment of from one to five years. The same penalty shall be applied to whomsoever compels another to exercise that right in a manner contrary to his will.

CHAPTER 3.

Crimes and Misdemeanours against Foreign States.

ARTICLE 218. Offences against Heads of Foreign States. (See Article 223)

Whoever, within the territory of Libya, attacks the life or safety of the Head of a Foreign State, or makes a grave attack

upon his personal liberty, shall be punished by a penalty of imprisonment for a period of not less than fifteen years if the attack was upon life and by imprisonment for a period of not less than ten years under the other above-mentioned conditions.

If death results from the attack the offender shall be punished by the penalty of death if the attack was upon life and by the penalty of imprisonment for life under the other conditions above-mentioned.

ARTICLE 219. Offences against the Liberty of the Heads of Foreign States. (See Articles 223 and 224)

Whoever, within the territory of Libya, makes an attack upon the liberty of the Head of a Foreign State under conditions not provided for by the preceding Article shall be punished by a penalty of imprisonment for a period of between one and ten years.

ARTICLE 220. Offences against the Honour of the Heads of Foreign States. (See Articles 223 and 224)

Whoever publicly attacks the honour or prestige of the Head of a Foreign State who is within the territory of Libya shall be punished by a penalty of imprisonment for a period of from six months to three years.

ARTICLE 221. Offences against Representatives of Foreign States. (See Articles 223 and 224)

The provisions of the three preceding Articles shall also apply if the acts therein provided for are committed against Representatives of Foreign States duly accredited to the Government of Libya as heads of Diplomatic Missions by reason of or in the exercise of their functions.

ARTICLE 222. Offences against the Flags or Emblems of Foreign States. (See Article 223 and 224)

Whoever, within the territory of Libya, in a public place, or a place open to the public, insluts the Official Flag or emblem of a Foreign State while being used in conformity with the law of Libya shall be punished by a penalty of detention for a period not exceeding three years.

ARTICLE 223. Conditions of Reciprocity.

The provisions of Articles 218,219, 220, 221 and 222 of this Code apply only in so far as the law of the Foreign State gives similar penal protection.

The Heads of Diplomatic Missions are entitled to penal protection in the terms of Article 221 only in so far as the Foreign State which they represent gives similar penal protection to the Heads of Libyan Diplomatic Missions.

If no such reciprocal provisions exist then shall the general provisions of the Criminal Code apply.

CHAPTER 4.

General Provisions as to the Previous Chapters.

ARTICLE 224. Permission to Institute proceedings and the Demand Therefor.

No proceedings may be instituted in respect of the offences provided for by Article 167, 168, 175, 177, 178, 180, 181, and 208 of this Code except by the permission of the Minister of Justice; in the case of the offence provided for by Article 195 of this Code, if it was directed against Parliament, or one of the Assemblies thereof, or against the Legislative Council of one of the Provinces then shall no proceedings be taken except with the permission of the Assembly against which the insult was directed, and if the offence is committed against the Judicial Organization then may no proceedings be taken without the permission of the Federal Supreme Court, and in respect of other conditions provided for in the said Article 195 no proceedings may be taken without the permission of the Minister of Justice.

Proceedings may also not be commenced without the permission of the Minister of Justice in the case of the offences provided for by Articles 191, 192, 193 and 194 of this Code.

In the case of the offences provided for by Articles 219 and 220 and in Article 221 in relation to the said Articles 219 and 220, as also in the case of the offence provided for by Article 222, no proceedings may be instituted except upon the demand of the Minister of Justice.

ARTICLE 225. Deportation.

If he is sentenced to a penalty restrictive of liberty for one of the offences provided for in this Title an alien shall be deported from the Libyan State.

TITLE II.

OFFENCES AGAINST THE PUBLIC ADMINISTRATION.

CHAPTER I.

Offences Committed by Public Officials against the Public Administration.

ARTICLE 226. Bribery.

Every Public Official who accepts for himself or for another a gift or promise of anything to which he is not entitled, whether the same be money or any other benefit whatsoever, for the purpose of doing, or not doing, delaying, or contravening his official duties shall be punished by a penalty of imprisonment for a period not exceeding five years and by a fine equalling half the value of the gift he accepted or which was promised to him and by dismissal from his Office.

The same penalty shall be applied to him who offers the bribe or to the intermediary, who knows that it is a bribe, who acts as between the person who offers the bribe and the person who accepts the bribe, but the Judge may pardon the person who bribes or the intermediary if he proceeds before others to inform the Public Authorities of the commission of the offence.

The principal penalty shall be reduced by an amount not exceeding one third if the Public Official receives the gift for an official act which he has already done.

ARTICLE 227. Acts to be considered as Bribery.

It shall be legally considered as bribery if any person having the quality of a public representative, whether by election or other wise, accepts the promise of anything or accepts a present or gift:

1. For the purpose of obtaining from any Public Authority any monopoly, licence, agreement for importation, contract, office, or service, or rank, or decoration, or reward or advantage, or for the purpose of attempting to obtain anything of the nature aforesaid;
2. Or to use his influence as a public representative, whether such influence be real or pretended, to obtain business, or orders, or decisions, or awards from any Administrative or Judicial Authority or to attempt to obtain anything of the nature aforesaid.

ARTICLE 228. Increased Penalty for Bribery.

If from the act provided for by the two preceding Articles a sentence results of imprisonment for life or imprisonment then shall the penalty be imprisonment for a period of from six to fifteen years and a fine of not less than two hundred pounds.

If the result of the act is a sentence of death then shall the penalty be imprisonment for life.

ARTICLE 229. Incitement to Bribery.

Whoever offers to a Public Official money or any other advantage to which the said public official has no right, or whoever promises anything of that nature, to induce the said public official to do, or contravene, or not do do, or to delay any act of the acts of his Office, and the gift or promise is refused, shall be punished by a penalty of imprisonment for a period not exceeding two years and by a fine equalling the value of the gift, provided that the said fine shall in no case exceed one hundred pounds.

ARTICLE 230. Embezzlement of Public and Private Property.

Every public official who, by virtue of his office, service, or mission, has in his possession money or any other movable property of the property of the Public Administration or of a member of the Public and who embezzles the same or lays claim to the ownership thereof or invests another with the same shall be punished by a penalty of imprisonment of from three to ten years and by a fine of from one hundred to five hundred pounds.

The conviction shall entail the perpetual interdiction of the offender from public offices, provided that if the period of imprisonment imposed is less than three years by reason of extenuating circumstances then shall the said conviction only entail temporary interdiction from public offices.

ARTICLE 231. Extortion.

Every Arab official who by the abuse of his office compels or induces another to give him or another money or any other benefit to which he has no right, shall be punished by a penalty of imprisonment of from four to twelve years and by fine of between two hundred and eight hundred pounds.

The provisions of the second paragraph of the preceding Article shall also apply to a public official.

If by taking advantage of the error of another the public official receives that to which he has no right then shall the penalty be imprisonment of from six months to two years.

ARTICLE 232. Defrauding the Public Administration.

Every public official entrusted with labour and who employs a number of persons less than the number of persons it was obligatory for him to employ but who claims that he has employed the full number required, thereby obtaining for his own benefit what is required fully to recompense the said persons by way of salary or expenses or who records in Government Account Books, or in the books of any other public Body, the names of persons employed by him for his own personal affairs to enable him to disburse their salaries or expenses from State funds or from the funds of the Public Body, shall be punished by a penalty of imprisonment of between one and five years and by fine equal to double the amount he has so fradulently obtained.

ARTICLE 233. Use of Office for Personal Benefit.

Every public official who obtains for his personal benefit, either directly or by any other means, or by any fictitious acts, any advantage from any of the public administrative duties exercised by him by virtue of his office shall be punished by a penalty of imprisonment for a period not exceeding two years.

ARTICLE 234. Abuse of Office to the Detriment of the Public Administration or Judicial Powers.

Every public official who employs his office for the purpose of staying the execution of orders issued by the Government or to stay the course of the laws or Regulations in force or to delay the collection of goods or fees legally due or the execution of any sentence or demand of a Court or the execution of any order issued by the appropriate Authority shall be punished by detention for a period of not less than three months.

ARTICEL 235. Abuse of Office in Cases not specifically Provided for by Law.

Every public official who abuses the powers of his office to the benefit of another or to the detriment of another and where there is no special provision of Criminal Law applying to his act shall be punished by a penalty of detention for a period not exceeding two years or by a fine of between fifty and three hundred pounds.

ARTICLE 236. Divulging Official Secrets.

Every public official who in breach of the duties of his office, or by the abuse thereof, divulges official information which should remain secret, or who by any means whatsoever facilitates the divulging thereof shall be punished by a penalty of detention for a period of not less than four months.

ARTICLE 237. Dereliction in or Refusal to Perform Duty.

Every public official who wrongfully refuses to perform any of his official duties or neglects or delays the same shall be punished by a penalty of detention for a period not exceeding one year or by a fine not exceeding two hundred pounds.

If the public official is a Judge or an officer of the Department of Public Prosecutions he shall be considered as refusing, neglecting, or delaying when the conditions required by law for a civil cause of action against him exist, and in this case the penalty shall be doubled.

ARTICLE 238. Insubordinate Abandonment of Office, Service, or Employment.

If three or more public officials abandon their offices, employment, or service, or carry on the same in such a manner as to disturb the continuity or regularity thereof, and this by reason of their agreement so to do, or by reason of their desire from so doing to forward a common purpose, each of them shall be punished by a penalty of imprisonment for a period of between three months and one year and by fine not exceeding one hundred pounds.

The maximum penalty shall be doubled if the abandonment or ommission to carry out their duty results in danger to the lives, health, or safety of the people, or in tumult or disturbances among the people, or detriment to the public interest.

And every public official who abandons his office or refuses to carry out any of the duties of his office with the object of disturbing the continuity or regularily thereof shall be punished by a penalty of detention for a period not exceeding six months or by a fine not exceeding fifty pounds.

And the maximum penalty shall be doubled if the abandonment or refusal results in disturbances of the nature mentioned in the second paragraph of this Article.

ARTICLE 239. Incitement to And Encouragement of Insubordinate Abandonment of Office, Service, or Employment.

Whoever takes part by way of inciting thereto in the commission of any of the offences provided for by the preceding Article shall be punished by double the penalty therein prescribed.

Whoever induces, incites, or encourages any public official, in whatsoever manner, to abandon his office or to refuse to carry out the duties of his office, if the incitement or encouragement has no result, shall be punished by the penalty prescribed by the first paragraph of the preceding Article.

Whoever encourages any of the offences provided for by the second and fourth paragraphs of Article 238, or who circulates false or untrue information concerning them by one of the means of publication shall be punished by the same penalty.

If the offender is a public official he shall be sentenced, in addition to the penalties hereinbefore prescribed, to interdiction from public offices.

ARTICLE 240. Attacks upon the liberty of Public Officials and Employees in the Execution of their Public Office.

Whoever by the use of force or by violence or by terror or by threats, or by any unlawful means of the nature set forth in Article 359 of this Code, attacks or attempts to attack the rights of a public official acting in his official capacity shall be punished by the penalty prescribed in the second paragraph of Article 238.

ARTICLE 241. Concealment of Things Seized or Attached or their Destruction or Dissipation.

Whoever, whether a public official or not, being entrusted with the custody of anything judicially or administratively attached or seized and who embezzles, hides, or destroys, or dissipates, or damages the said thing, his sole purpose in so doing being to assist the owner thereof, shall be punished by a penalty of detention for a period of not less than six months and by a fine of between ten and fifty pounds.

If the thing is entrusted to the custody of the owner thereof and he commits any of the acts before-mentioned he shall be punished by a penalty of detention for a period of from three months to two years and a fine of from five to fifteen pounds.

The penalty shall be detention for a period not exceeding one year or a fine not exceeding twenty-five pounds if the offence is committed by the owner of the thing when that thing is not entrusted to his custody.

ARTICLE 242. Negligent Breach of duty relating to the Custody of things Seized or Attached.

Whoever, whether a public official or not, having the custody of a thing judicially or administratively seized or attached negligently causes its destruction or dissipation or facilitates its concealment or embezzlement shall be punished by a penalty of detention for a period not exceeding six months or by a fine not exceeding twenty pounds.

ARTICLE 243. Interference with the Freedom of Auctions.

Whoever, be he a public official or another, by the use of force or threats or by gifts, promises or collusion or by any other means detrimental to the natural course of the proceedings or with intent to deceive, interferes with a judicial sales by public auction or with a public sale or tender, or with sale conducted by persons on behalf of the Public Administration shall be punished by detention and a fine of between ten and fifty pounds.

If the offender is a person appointed by law or by the Public Authorities to conduct the public auction or tender or sale then shall the penalty be imprisonment of from one to five years and a fine of between twenty-five and one hundred pounds.

If the interference is directed to a private sale in the interest of a private person and conducted by a public official or any other person thereunto empowered by law then shall the aforesaid penalty be reduced by not exceeding one half.

ARTICLE 244. Inspection of Correspondence and its Destruction or Circulation.

Every public official attached to the Postal, Telegraphic, Telephonic or Wireless Service who conceals, stays, or delays any correspondence or who, having seen the same, communicates it contents to another shall be punished by a penalty of detention for a period of not less than six months or by a fine not exceeding fifty pounds.

For the purpose of this Article "correspondence" shall include letters, telephonic conversations, telegrams, or any other means of communication.

If the aforesaid acts are committed by other persons then, upon the complaint of the person injured thereby, shall the penalty be detention for a period of from fifteen days to six months or a fine not exceeding ten pounds.

CHAPTER 2

Crimes and Misdemeanours Committed by Persons against the Public Administration.

ARTICLE 245. Contempt of Public Officials, Judges, or Judicial or Quasi-Judicial Bodies.

Whoever insults a public official, or offers an indignity to him, while the said public official is engaged in his official duty, or as the result thereof, either by gestures, words, or threats, or by way of telegraph or telephone, or letters, or drawings sent to him, shall be punished by a penalty of imprisonment for a period not exceeding two years.

The penalty shall be increased by not more than one half if the attack is directed against a Judge during the course of a trial, or against any one of the members of a Judicial or Administrative Body during the time that the said Body is assembled.

As also shall the penalty be increased by not more than double if the attack is directed against the honour of the Judicial or Administrative Body or against the respect to which it is due and this at the time when the said Body is assembled.

ARTICLE 246. Use of Force or Threats against a Public Official.

Whoever uses force or threats against any public official to compel him to do an act in breach of the duties of his Office or of the futies of the service entrusted to him or to induce the said public official to refuse to do what is legally imposed upon him to do shall be punished by a penalty of imprisonment of from six months to five years.

If the act is committed merely to compel any of the aforesaid persons to do an act appertaining to his office or service or to influence him thereto in any way the penalty shall be detention.

ARTICLE 247. Resisting a Public Official.

Whoever, by force or threats, resists any person charged with the Public Security or any other public official while he is performing the duties of his Office shall be punished by imprisonment of from six months to five years.

The same penalty shall apply to whomsoever uses force or threats against anyone who has been requested to give assistance by the person before-mentioned.

ARTICLE 248. Use of Force or Threats against an Administrative Body.

If the acts provided for by the two preceding Articles are committed against an Administrative or Judicial Body then shall the penalty be imprisonment of from one to seven years.

ARTICLE 249. Aggravating Circumstances.

The penalty prescribed by the three preceding Articles shall be increased to the extent of, but not exceeding, one third if the force or threats are used by means of arms or by a masked person or by a number of persons acting together or by means of an anoymous letter or by the use of symbols or by intimidation emanating from secret associations, real or pretended.

If the force or threats are used by five or more persons acting together and accompanied by the use of arms, even although by one only of those persons acting together, or if the number of persons exceeds ten, although unaccompanied by arms, then shall the penalty, under the conditions provided for by the first paragraph of Article 246 or in Articles 247 and 248, be imprisonment of from three to fifteen years, and in the conditions provided for by the second paragraph of Article 246 imprisonment of from two to eight years.

ARTICLE 250. Usurpation of Offices or Attributes thereof.

Whoever usurps the functions of a Public Office, whether that Office be Civil or Military, or performs or practices the duties thereby entailed not being thereunto empowered or licensed by the Government shall be punished by penalty of imprisonment for a period not exceeding two years.

The same penalty applies to a public official who continues to exercise his functions or to practice the duties thereby entailed after he has been notified of their termination or suspension.

The sentence imposed shall be published in the newspapers.

ARTICLE 251. Practice of Professions without Licence.

Whoever without authority practices one of the professions for the practice of which a special licence is required from the State shall be punished by detention for a period not exceeding six months or by a fine of between twenty and one hundred pounds.

ARTICLE 252. Breaking of Seals.

Whoever breaks any seal affixed for the security of any place, or to prove identity, or for the protection of papers or any other goods, by legal process or by the Administrative or Judicial Authorities shall be punished by a penalty of imprisonment for a period of between six months and three years.

The penalty shall be increased by not more than double if the offender was one entrusted with the custody of the thing to which the seal has been attached for protection.

ARTICLE 253. Negligent Facilitation of the Breaking of Seals.

Whoever, being entrusted with the custody of anything sealed, by his negligence facilitates the breaking of the seals or renders the same possible shall be punished by a penalty of a fine not exceeding fifty pounds.

ARTICLE 254. Violation of Things in Custody.

Whoever embezzles, damages, disperses, or deteriorates objects connected with an offence, or exhibits, documents, registers, or any other movable property relating to the Public Administration, the same being kept in a public office or delivered to a person legally deputed to have custody of the same, shall be punished by a penalty of imprisonment for a period of between one and five years, unless the acts constitute a graver offence.

ARTICLE 255. Negligent Facilitation of Offence Provided for by the Preceding Article.

If the commission of the offence provided for in the preceding Article is so connected with the negligence of the custodian that the said negligence was the cause of the offence or facilitated the commission thereof then shall the said custodian be punished by a penalty of a fine of from fifty to one hundred and fifty pounds.

ARTICLE 256. Violence.

If the breaking of seals, or embezzlement of the documents or other things or the destruction thereof is accompanied by the use of force against the person entrusted with their custody or with whom they are deposited then shall the offender be punished by a penalty of imprisonment for a period of between three and ten years.

ARTICLE 257. Pretending to Have Influence.

Whoever pretends to have influence with a public official and takes from another for himself or another, or induces another to give him or another, money or other advantage or obtains a promise thereof as the reward for his mediation with the said public official shall be punished by a penalty of imprisonment for a period not exceeding four years and by a fine of between thirty and one hundred pounds.

Whoever takes for himself or for another money or other advantage or obtains the promise thereof under the pretence that the said money or other advantage must be used to obtain the favour of the public official and to reward him therefor shall be punished by imprisonment for a period of from one to six years and by a fine of between fifty and one hundred pounds.

TITLE III.

OFFENCES COMMITTED AGAINST THE ADMINISTRATION OF JUSTICE.

CHAPTER I.

Offence against the Course of Justice.

ARTICLE 258. Failure to Lay Information.

If, during the course of his official duties, or by reason thereof, a public official comes to know of the occurrence of an offence, in respect of which it is necessary to take proceedings without awaiting the complaint of the person injured thereby, and neglects or delays to inform the appropriate authority thereof he shall be punished by a penalty of detention for a period not exceeding one year or by a fine of between ten and fifty pounds.

The penalty shall be imprisonment up to three years if the act relates to a Crime the penalty for which is death, imprisonment for life, or imprisonment the maximum term of which is not less than ten years.

The penalty above-mentioned shall be increased by an amount not exceeding one half if the act is committed by an Investigating Official by whatever means he may have come to know of the offence.

The same penalty shall apply to Investigating Officials or others of those responsible for the receipt of complaints or for service if they neglect or delay in bringing the matter to the notice of the appropriate authority.

Whoever commits the act by reason of a justifiable necessity to save himself or one of his kindred from grave injury to his liberty or honour shall not be punishable.

ARTICLE 259. Neglect to Submit Medical Report.

Whoever, having in the exercise of the medical profession rendered aid under circumstances which indicate the commission of an offence of which it is necessary to lay information without the necessity of awaiting the complaint of the person injured thereby, and who neglects or delays to lay the said information before the appropriate authority shall be punished by a penalty of fine not exceeding fift pounds.

This provision does not apply when the laying of the information would render the person to whom assistance was given liable to prosecution; nor shall it apply in the circumstances provided for by the last paragraph of the preceding Article.

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ARTICLE 260. Refusal to Perform an Office Imposed by Law.

Whoever, having been appointed by a Judicial Authority as an expert, interpreter, or custodian of anything judicially attached obtains by fraudulent means exemption from the obligation to appear or to perform his office shall be punishable by a penalty of detention for a period not exceeding six months or by a fine of between twenty and fifty pounds.

The same penalty is applied to whomsoever, being summoned before the Judicial Authority to perform any of the aforesaid functions, refuses to offer himself or to take the requisite oath or to assume or perform the aforesaid functions.

The preceding provisions apply to a person summoned to give evidence before the Judicial Authority and to every other person summoned to exercise any judicial function.

If the offender was an expert or an interpreter the conviction involves interdiction from a profession or an art.

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ARTICLE 261. False Information of an Offence.

Whoever makes to the appropriate authority a false complaint, even by anonymous letter or under an assumed name, of the occurrence of an act made by law an offence or who fabricates the evidence of an offence in such a manner that penal proceedings may be instituted to ascertain the truth of the matter shall be punished by a penalty of detention for a period of from one to three years.

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ARTICLE 262. False Accusation.

Whoever, even by anonymous letter or under an assumed name, accuses another of an act made by law an offence, knowing that the person he accuses is innocent, or who fabricates against such person evidence of an offence in such a manner that penal proceedings may be instituted against the person so falsely accused if the complaint be made to the appropriate authority shall be punishable by a penalty of imprisonment of from one to six years.

The penalty shall be increased by an amount not exceeding one half if the accusation is of an offence punishable by death or imprisonment for life or the penalty for which is imprisonment exceeding ten years.

The penalty shall be imprisonment for a period of from four to twelve years if the accusation, or the fabrication of evidence alone, results in a sentence of imprisonment exceeding five years; if the sentence is imprisonment for life then shall the penalty be imprisonment of from six to twenty years.

If the sentence was death then shall the penalty be imprisonment for life.

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ARTICLE 263. False Self-Accusation.

Whoever makes a declaration before the appropriate authority falsely accusing himself of an act made an offence by law, even though the accusation be made by means of an anonymous letter or under an assumed name or by a confession before the Judicial Authorities, in such a manner that penal proceedings may be instituted shall be punishable by a penalty of imprisonment for a period of from one to three years.

No penalty shall be imposed under the conditions set forth in the last paragraph of Article 258.

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ARTICLE 264. False Accusation or False Self-Accusation in the Case of Contraventions.

If the false accusation or false self-accusation relates to an act made by law a Contravention then shall the penalty be detention for a period not exceeding two years or a fine not exceeding fifty pounds.

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ARTICLE 265. False Oath.

Whoever, being a party to a Civil Case, swears a false oath shall be punished by a penalty of detention. To the detention may be added a fine not exceeding one hundred pounds.

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ARTICLE 266. False Evidence.

Whoever gives evidence before the Judicial Authorities and conceals, denies, or refuses to say, whether in whole or in part, what he knows of the facts on which he is interrogated shall be punished by detention. Furthermore, if the false evidence so given results in the conviction of the accused he who has given the false evidence shall be punishable by a penalty of imprisonment.

If as the result of the offence a sentence of imprisonment for a period not exceeding (see note below) five years is imposed then shall the penalty be imprisonment for a period of from one to five years; if the sentence is for more than five years then shall the penalty be imprisonment of from three to twelve years; if the false evidence results in a sentence of imprisonment for life then shall the penalty be imprisonment from six to twenty years and a penalty of imprisonment for life shall be imposed if the false evidence results in a sentence of death.

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ARTICLE 267. False Opinions of Experts and False Interpretation.

Whoever, being appointed by the Judicial Authority as an expert or as an interpreter in a Civil, Criminal, or Administrative case, intentionally gives a false opinion or given an incorrect translation or affirms facts which are not true shall be punished by the penalty laid down in Article 266 relating to false evidence.

The Sentence, in addition to interdiction from the holding of Public Office, also interdicts from the practice of a profession or art.

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NOTE TO ARTICLE 266.

The Arabic text here omits the word "not" but in the light of what follows it is obvious that this is an error. I have written to the Nazara asking for action for amendment to be taken.

C. A. G.

ARTICLE 268. Warning and Other Circumstances Barring Punishment.

Under the circumstances set forth in Article 266 and 267 the offender shall not be punishable if he retracts his false evidence or discloses the truth during the course of the investigation then proceeding before the investigation is closed by the decision that there is no case made out or before the close of the trial or its adjournment by reason of that which is false.

If the false evidence be given in a Civil or Administrative case then shall the offender not be punishable if he retracts his false evidence or discloses the truth before a final decision in the matter is issued, or if it is still appealable.

The penalty shall also not apply if the act is committed by one who by law is not bound to appear as a witness or expert or interpreter or who is required to be warned that he has the right to refuse to give evidence or to give his opinion or to interpret.

Similarly no penalty is applicable under the circumstances provided for by the last paragraph of Article 258.

ARTICLE 269. Bribery of Witness or Expert.

Whoever offers a gift of money, or any other advantage, or promises the same to a witness, expert, or interpreter, although before the said witness, expert, or interpreter assumes that quality, for the purpose of inducing him to give false evidence or to give an erroneous opinion or to interpret falsely, and the offer, or other advantage, or promise is not accepted, shall be punished by the penalties prescribed by Articles 266 and 267 with a reduction thereof to the extent of between one half and two thirds.

The same penalty shall be applied if the gift or promise is accepted without the false evidence being given.

ARTICLE 270. Facilitation of Escape from Justice.

Whoever, after the occurrence of a Crime or Misdemeanour, gives assistance to a person suspected of being the offender, or assists a person under arrest pending trial or one escaped from prison to conceal himself from the pursuit of the Authorities, or who prejudices the current investigation in respect of that person by hiding him, or by destroying evidence of the offence, or by giving false information, or by any other means, shall be punished by a penalty of imprisonment for a period not exceeding four years and this shall not affect the liability under provisions as to accomplices.

The provisions of this Article shall apply even though the person assisted was not responsible or it is proved that he did not commit the offence.

No penalty shall be applied if the offence was committed in order to assist kindred.

ARTICLE 271. Receiving Property Obtained by the Offence.

Whoever receives things stolen or obtained in whatever manner as the result of a Crime or Misdemeanour or who enable another to obtain what has resulted from the offence by way of gain or reward shall be punished by a penalty of imprisonment for a period not exceeding four years.

If the object of the act committed was gain then may the Judge add to the penalty aforesaid a fine not exceeding one hundred pounds.

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ARTICLE 272. Facilitation of Contraventions.

If any of the acts provided for in one of the two preceding Articles relates to a Contravention the offender shall be punished by a penalty of fine not exceeding ten pounds.

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ARTICLE 273. Insults to Judges.

Whoever publicly and during the course of the trial injures the respect, dignity, or authority of a Judge shall be punished by a penalty of detention not exceeding six months and of a fine not exceeding fift_ pounds or by one of those two penalties.

This Article shall not affect special provisions relating to the contempt of Judges during the hearing of the case.

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ARTICLE 274. Influence in the Course of a Case.

The penalties prescribed by the preceding Article shall be applied to anyone from whom issues publicly any acts or publications, written or printed, concerned with the influencing of the Judges entrusted with the determination of cases laid before any Judicial Tribunal in the Country or before any Judicial Authority or Prosecutor or other officials entrusted with investigation, or of the influencing of witnesses called to give evidence in such cases or investigation, or concerning matters intended to prevent a person from revealing first-hand information in the matter, or concerning the influencing of public opinion in favour of or against a party in the case or investigation.

If the purpose of the act was to create the said effects then shall the penalty be detention for a period not exceeding a year and a fine of not less than twenty nor more than one hundred pounds or one of the said two penalties.

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ARTICLE 275. Bad Faith in Advocates and Technical Advisors.

Any Advocate or Agent in a Judicial matter or technical advisor who is unfaithful to his professional duty to the prejudice of the party he defends, assists, or represents before a Judicial Authority, or who gives his services to both parties in the same case at the same time, although by means of another person, shall be punished by a penalty of detention of from six months to three years and of a fine of between twenty and one hundred pounds.

The penalty shall be increased by not more than one third if the offence is committed to the prejudice of an accused person; the penalty shall be doubled if the offence is committed to the prejudice of a person accused of a Crime punishable by death or imprisonment for life or by imprisonment for a period exceeding five years.

Any Advocate or Agent in a Judicial matter or Technical Advisor who, after having defended, assisted, or represented one party, without his consent, and in the same proceeding, gives his advice or advocacy to the other party, shall be punished by a penalty of imprisonment for a period not exceeding one year and of a fine not exceeding fifty pounds.

ARTICLE 276. Advocate Pretending to Have Influence.

Any Advocate or Agent in a judicial matter who falsely claims to have influence with a Judge, the Public Prosecutor, or witnesses, or an expert or interpreter, and as the result thereof takes for himself or another money or any other advantage or receives any promise therefor, the said taking or receiving being in consideration of his obtaining the assistance of one of the persons aforesaid, and also if he claims that it is necessary to reward them, shall be punished by a penalty of imprisonment for a period of between six months and five years and by a fine of not less than fifty pounds.

CHAPTER 2.

Offences Against the Authority of Judicial Decisions.

ARTICLE 277. Escape.

Whoever, being lawfully in custody, escapes shall be punished by a penalty of detention for a period not exceeding six months or of a fine not exceeding twenty pounds.

If an order for the arrest of the accused has issued or he has been sentenced to detention or to a heavier penalty he shall be punished by a penalty of detention for a period not exceeding two years or of a fine not exceeding one hundred pounds.

The penalties shall accumulate if escape occurring under one of the two conditions hereinbefore provided for is accompanied by force or by the commission of another offence.

ARTICLE 278. Negligent Custody.

Any person appointed to have the charge of a person in custody or to accompany him or to transfer him, and who by negligence allows the said person to escape, shall be punished by a penalty of detention for a period not exceeding two years or of a fine not exceeding fifty pounds if the person who escaped was under sentence of a penalty for a Crime or accused of a Crime.

Under other conditions the penalty shall be detention for a period not exceeding six months or a fine not exceeding twenty pounds.

The negligent custodian shall not be liable to a penalty if he is able to arrest the fugitive or to cause his surrender to the authorities during a period of three months from the escape.

ARTICLE 279. Assistance in Escaping or Facilitation Thereof by a Custodian.

Any person appointed to have the charge of a person in custody or to accompany him, or to transfer him and who assists or facilitates the escape of that person or who feigns negligence therein, shall be punished by a penalty of imprisonment of from six months to five years.

If the person in custody was under a sentence of death or imprisonment for life or was accused of a Crime punishable by one of those two penalties then shall the penalty be imprisonment of from three to ten years.

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ARTICLE 280. Assistance in or Facilitation of Escape of Persons in Custody.

Whoever enables a person in custody to escape or assists him to escape or facilitates his escape under conditions other than those already provided for shall be punished in accordance with the following provisions;-

If the person in custody was under a sentence of death or of imprisonment for life or was accused of a Crime punishable by one of those two penalties the penalty shall be imprisonment of from two to seven years.

In other circumstances the penalty shall be imprisonment not exceeding four years.

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ARTICLE 281. Insurrection by Convicts and Persons in Custody.

If ten or more convicts, or persons in lawful custody, openly revolt collectively or use force or incite other persons in custody or convicts to revolt or to raise a disturbance by whatever means they shall be punished by a penalty of imprisonment of from one to six years if they reject or refuse to obey a warning given to them to return to order.

If for the commission of the offence advantage is taken of circumstances of a temporary, local, or personal nature so that the preservation of order is hindered or prevented then shall the penalty be doubled.

The penalty shall be increased by from one half to two thirds in respect of him who leads, organises, or takes a principal part in, the insurrection.

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ARTICLE 282. Breach of Accessory Penalties.

Whoever, being subjected to one of the Accessory Penalties provided for in Articles 33, 35 and 37 of this Code, perform an Office or practices the power or authority from which he is lawfully interdicted as the result of the sentence shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding fifty pounds.

ARTICLE 283. Preparation for Escaping From Orders for Measures of Detentive Security and Facilitation Thereof.

Whoever enables a person sentenced to a measure of detentive security to escape therefrom, or facilitates his escape therefrom, or who conceals him in any manne whatsoever, or assists him to evade arrest by the Authorities searching for him, shall be punished by a penalty of imprisonment for a period not exceeding two years.

If the escape is in consequence of the negligence of anyone who by reason of his Office has the cutody, even temporarily, of the person subject to the measure for security then shall the custodian be punished by a fine not exceeding fifty pounds.

If gain was the object of the act then may the Judge add to the penalty a fine not exceeding one hundred pounds.

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ARTICLE 284. Communication of Information as to a Secret Criminal Proceeding.

Whoever, by means of a newspaper, or by any other means of publicity, communicates information as to a Criminal Case tried secretly or communicates the contents of documents or papers relating to the investigation of a case which should lawfully remain secret, shall be punished by a penalty of detention for a period not exceeding one year and of a fine of between twenty and one hundred pounds.

These provisions shall not apply to documents or other matters relating to the investigation which are afterwards produced in the course of public examination, and, generally, these provisions shall not apply to other papers of the Criminal Judicial Proceedings after the lapse of thirty years from the decision therein, or before the expiration of that time if the Minister of Justice permits of the open publication thereof.

In the conditions set forth by the first paragraph of this Article no penalty shall be inflicted for the mere notice of the case or for the publication of the sentence only.

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ARTICLE 285. Extension of Application of Previous Article.

In cases other than those to which the provisions of the previous Article apply the Courtsmay, having regard to the facts of the case and for the purpose of preserving Public Order or decency, forbid the publication by any means of publicity of the proceedings of the case or of all or some of the decisions therein and whosoever contravenes the said prohibition shall be punished by a penalty of detention for a period not exceeding one year and of a fine of not less than twenty pounds and not more than one hundred pounds or by one of those two penalties.

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ARTICLE 286. Disclosure of Secret Consultations and False Publication.

The penalty prescribed by the preceding Article shall be applied to whomsoever publishes by any means of publicity the secret consultations of the Courts or to whomsoever shall publish falsely and with wrongful intention what has occurred in open Sessions of the Courts.

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CHAPTER 3.

Arbitrary Enforcement of Rights.

ARTICLE 287. Enforcement of Personal Rights.

Whoever, having the opportunity of recourse to the Judicial Authorities to obtain a pretended right, and who seizes that right by his own hand with the use of violence against things shall be punished by a penalty of fine not exceeding one hundred pounds.

The offender shall be punished by detention for a period not exceeding one year if the act was accompanied by threats or the use of violence to persons.

If threats or violence against persons is accompanied by violence against things then shall both the before-mentioned penalties be applied.

No proceedings shall be instituted except upon the complaint of the person injured by the offence.

ARTICLE 288. Aggravating Circumstances.

In the conditions referred to in the preceding Article the penalties shall be increased to the extent of not exceeding one third:-

1. If the offence was committed after recourse has been had to the Judicial Authorities but before Judgement is pronounced.

2. If the use of violence or threats against persons was accompanied by arms.

TITLE IV.

OFFENCES AGAINST RELIGIOUS FEELING AND REVERENCE FOR THE DEAD.

ARTICLE 289. Interference with the Performance of Religious Rites and Contempt of Sacred Things.

Whoever interferes with the performance of a Religious Rite publicly held or with the ceremony therefor or suspends the same by violence or threats shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding fifty pounds.

The same penalty shall be applied to whomsoever shall destroy, break, damage, or desecrate buildings dedicated to the performance of religious rites, or other things sacred to members of a religious sect or to any section of the inhabitants.

ARTICLE 290. Attacks upon Religious Beliefs.

The penalty prescribed by the preceding Article shall be applied to whomsoever attacks, by any of the means of publicity, any religious faith which publicly performs its rites. The following shall fall within the provisions of this Article:-

Firstly, printing or publishing a book held sacred by any religious sect which performs its rites publicly, if the text of the book is intentionally perverted so as to give the same a different meaning;

Secondly, imitation of a religious ceremony or rite in a public gathering for the purpose of ridicule or of amusing the public.

ARTICLE 291. Contempt of the State Religion.

Whoever publicly attacks the Mohammedan Religion which is the Official Religion of the State in accordance with the Constitution of the United Kingdom of Libya shall be punished by a penalty of detention for a period not exceeding two years.

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ARTICLE 292. Contempt of the Dead and Desecration of Tombs.

Whoever violates the sancity of tombs or cemeteries or desecrates or disturbs funeral rites or attacks a corpse shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding fifty pounds.

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ARTICLE 293. Destruction of, Damage to, or Removal of a Corpse.

Whoever mutilates, destroys, or damages part of a Corpse or disperses the remains shall be punished by a penalty of detention for a period of not less than one year.

The penalty shall be increased by an amount not exceeding a third if the act is committed in a cemetery or in any other place appointed for the burial or for the deposit or custody of corpses.

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ARTICLE 294. Concealment of a Corpse.

Whoever conceals a corpse or part thereof or conceals the remains thereof shall be punished by a penalty of detention.

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ARTICLE 295. Dissection of a Corpse.

Whoever, for instructional or scientific purposes, in circumstances not authorised by the law, takes, dissects, or uses in any other way a corpse shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding fifty pounds or by both penalties.

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TITLE V.

OFFENCES AGAINST PUBLIC SAFETY.

CHAPTER 1.

Offences Endangering the Public by Violence.

ARTICLE 296. Carnage.

Whoever, with intention to kill, commits an act not being an act against the safety of the State yet endangering the public safety shall be punished by a penalty of imprisonment for a period of not less than fifteen years.

If as the result of the act the death occurs of one or more persons the penalty shall be death.

If injury occurs to one or more persons then shall the special provisions as to the plurality of offences be applied.

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ARTICLE 297. Arson.

Whoever intentionally causes a fire endangering the public safety shall be punished by a penalty of imprisonment of from three to seven years.

ARTICLE 298. Disasters.

Whoever endangers public safety by causing a flood, or the wreck, foundering, or sinking of a ship or any other floating structure, or the falling of an aircraft, or the occurrence of any accident to the Railway, or the collapse of a building, or the occurrence of any other disaster, shall be punished by a penalty of imprisonment of from three to ten years.

And in the circumstances of the sinking or foundering of a ship or the fall of an aircraft, or the occurrence of an accident to the Railway, the penalty shall be increased to the extent of not exceeding one third if the offence was committed by the destruction of lights or other signals or by removing the same or concealing them or by the use of misleading signals or by any other deceptive means.

ARTICLE 299. Disasters and Dangers Resulting from the Causing of Damage.

Whoever ignites a fire in his own house or in the house of another for the sole purpose of causing injury to the property of another, if his act results in the danger of another fire or another disaster, shall be punished by a penalty of imprisonment of from six months to four years.

The same penalty shall apply to whomsoever:-

Damages or destroys any Structures erected for the purpose of the Conservation or disposal of water, or structures erected to avoid danger from water or to prevent its sinking into the earth, or who causes water to flow in an unsafe manner; pr damages or destroys a ship or any other floating structure, or aircraft, or railway, or any of its rolling stock, or causes the same to be unsafe; as also shall the same penalty apply to whomsoever commits any similar acts against any instrument or apparatus prepared for the safety of public means of communication by land or by sea or by air, if the act was committed with the intention of causing damage and danger of a disaster results therefrom.

If as the result of the act fire or any other disaster occurs then shall the penalty be imprisonment for a period of from two to six years.

ARTICLE 300. Aggravating Circumstances.

The penalty prescribed by Article 297 and 299 of this Code shall be increased by an amount not exceeding one third if fire results from the commission of the act against the buildings or structures hereinafter referred to:-

1. Public buildings or buildings for public use or places of pilgrimage or monuments or tombs and their appurtenances, or forests or woods;

2. Inhabited buildings, or buildings prepared for habitation, or factories, workyards, or quarries, or mines, or flood-gates, or structures for the distribution of water or similar structures erected for the purpose ofconservation of water or its disposal;

3. Ships or other floating structures or Aircraft;

4. Railway Stations, Shipping harbours, air-ports, public stores, or warehouses for the storage of goods, or granaries, or cereal stacks, or warehouses for the storage of explosives or inflammable or kindling materials.

ARTICLE 301. Offences against the Public Safety.

Due regard being had to the provisions of the preceding Articles, a penalty of imprisonment of from one to five years shall be imposed upon whomsoever endangers the safety of public means of transport or disturbs means of communication, or causes their interruption or disorder, or who commits an act endangering structures or other means prepared for the production or disposal of electric power or gas for illumination or trade, if, as the result of the act, the public safety is endangered.

The same penalty shall apply to whomsoever commits an act aimed at the destruction of a building or part thereof or at the occurrence of any other disaster if as the result of the act the public safety is endangered.

Whoever throws hard objects or missiles at public transport vehicles while the same are in motion shall be punished by a penalty of detention for a period not exceeding two years.

For the purpose of Criminal Law the expression "means of transport" includes transport by land, sea, and air, as also does the expression "communications" include telephones, telegraphs, wireless, television, and radar.

ARTICLE 302. Prevention of the Protection of Public Safety.

Whoever, upon the occurrence of a fire or disaster, takes away, conceals, or destroys the means made ready for the extinguishing of the fire or any of the means for guarding against disasters, or for rescue or succour, shall be punished by a penalty of imprisonment of from two to seven years.

The same penalty shall apply to whomsoever delays or by any means whatever prevents the extinguishing of a fire or assistance therein or measures taken therefor.

ARTICLE 303. Removal of Means of Protection against Industrial Accidents.

Whoever intentionally omits to place in position the means or equipment or signs prepared for the avoidance of industrial disasters or accidents shall be punished by a penalty of imprisonment of from six months to five years. The same penalty shall apply to whomsoever removes or destroys the said means, equipment, or signs.

If a disaster or accident occurs as the result of the act then shall the penalty be imprisonment of from two to eight years.

ARTICLE 304. Surreptitious Conveying of Explosives and Similar Materials.

Whoever, in contravention of Regulations issued in respect of transport, conveys explosives or inflammable materials in railway trains or any other means of transport for passengers shall be punished by a penalty of detention and of a fine not exceeding one hundred pounds or by one of these two penalties.

CHAPTER 2.

Fraudulent Offences against Public Safety.

ARTICLE 305. Epidemic Diseases.

Whoever causes an epidemic by diffusing noxious germs shall be punished by a penalty of imprisonment for a period of not less than fifteen years.

If as the result of the act one person dies then shall the penalty be imprisonment for life; if more than one person dies then shall the penalty be death.

ARTICLE 306. Poisoning of Water and Articles of Food.

Whoever poisons water or articles of food before their distribution or delivery to the consumer shall be punished by a penalty of imprisonment for a period of not less than ten years.

If as the result of the act one person dies the penalty shall be imprisonment for life; if more persons than one die then shall the penalty be death.

ARTICLE 307. Adulteration and Dissimulation of Food.

Whoever pollutes or adulterates or dissimulates water or any other substance used for food prepared for public consumption, thereby rendering the same dangerous to public health, before the same is withdrawn, distributed, or traded in, shall be punished by a penalty of imprisonment of between one and five years.

If the substance so adulterated or dissimulated is a drug the penalty shall be increased by a third.

ARTICLE 308. Trading in Poisoned, Adulterated, or Dissimulated Food.

Whoever has in his possession for commerce, or exposes for sale or distributes for consumption, water, substances or things which another has poisoned, adulterated, or dissimulated, to such an extent that they are a danger to public health, shall be punished by the penalty prescribed by Articles 306 and 307 of this Code, if he was not an accomplice in the offences provided for in the said Articles.

ARTICLE 309. Trading in Deteriorated Food or Drugs.

Whoever has in his possession for commerce, or exposes for sale, or distributes for consumption or for supply, articles of food dangerous to the public health but not dissimulated or adulterated shall be punished by a penalty of imprisonment for a period of between six months and four years.

The same penalty shall apply if the offence is committed in respect of deteriorated or defective drugs.

ARTICLE 310. Supplying Drugs in a Manner Dangerous to Public Safety.

Whoever, whether by license or not, trades in drugs and supplies the same of a kind, quality, or quantity not agreeing with the prescription of a Doctor or differing from that advertised or declared shall be punished by a penalty of imprisonment of from six months to three years.

ARTICLE 311. Clandestine Trade in Stupefying Drugs.

Whoever secretly or fraudulently trades in stupefying drugs, or has the same in his possession for secret or fraudulent trade therein, or obtains the same for another, or supplies another with them secretly or fraudulently shall be punished by a penalty of imprisonment of from one to four years.

The penalty shall be imprisonment of between eighteen months and five years if the said drugs are sold or delivered to persons under eighteen years of age or to persons mentally sick or mentally deficient or to persons who are addicted to drugs.

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ARTICLE 312. Unlawful Facilitation of the Use of Stupefying Drugs.

Whoever prepares a public or private place or permits the preparation thereof for the purpose of the assembly of persons to consume stupefying drugs shall be punished by a penalty of imprisonment of from six months to four years, if he is not an accomplice in the offence provided for by the preceding Article.

Whoever enters the said place for the purpose of consuming stupefying drugs shall be punished by a penalty of detention for a period not exceeding six months or of a fine of between ten and fifty pounds.

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CHAPTER 3.

Negligent Acts Causing Common Danger.

ARTICLE 313. Disasters Resulting from Negligence.

Whoever negligently causes a fire or disaster provided for in Chapter 1 of this Title shall be punished by a penalty of imprisonment of between one and five years.

The penalty shall be increased by an amount not exceeding a third if the disaster results in drowning or occurs to one of the means of transport for passengers such as the Railways, Ships, or Aircraft.

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ARTICLE 314. Negligently Causing Risk of Occurrence of Disaster.

Whoever, by negligence, causes the risk of the occurrence of danger or disaster provided for in Chapter 1 of this Title, or who neglects to take action as to existing danger, shall be punished by a penalty of detention.

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ARTICLE 315. Neglect to Take Precautions against Disasters or Industrial Accidents.

Whoever negligently omits to place in position apparatus or any other means prepared for extinguishing a fire, or salvage, or succour against disasters or industrial accidents, or who removes the same or renders them unfit for their purpose, shall be punished by a penalty of detention for a period not exceeding two years or of a fine of between thirty and one hundred pounds.

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ARTICLE 316. Negligent Offences against Public Health.

Whoever negligently commits any of the acts provided for by Articles 305, 306, 307, 308, 309 and 310 of this Code shall be punished by the penalties therein mentioned after reduction thereof to a third; for the penalty of imprisonment for life shall be substituted imprisonment of from two to seven years and for the penalty of death shall be substituted imprisonment of from three to fifteen years.

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TITLE VI.

OFFENCES AGAINST PUBLIC SAFETY.

ARTICLE 317. Incitement to Commit Offence.

Whoever publicly incites to the commission of one or more offences if his incitement has no effect shall be punished by the penalties hereinafter mentioned:-

1. By detention if the incitement was to commit a Crime;

2. By detention for a period not exceeding six months or by a fine of between ten and thirty pounds if the incitement was to commit a Misdemeanour or Contravention.

The penalty shall be detention if the incitement was to the commission of one or more Misdemeanours together with one or more Contraventions.

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ARTICLE 318. Stirring Up Hatred Between the Classes.

Whoever publicly incites to hatred or contempt among the classes of the people so that the same may lead to public disorder shall be punished by a penalty of detention for a period not exceeding one year and of a fine of between twenty and one hundred pounds or by one of those two penalties.

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ARTICLE 319. Incitement to Disobey the Laws.

Whoever publicly incites another to disobey the laws or tempts him to commit an act made a Crime or Misdemeanour shall be punished by the penalties prescribed by the preceding Article.

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ARTICLE 320. Opening of Subscription List for the Purpose of Assisting Offenders to Pay Fines.

Whoever publicly opens a subscription list, or advertises the same, for the purpose of assisting offenders to pay fines to which they have been judicially sentenced for a Crime or Misdemeanour, as also whosoever shall advertise his or another's undertaking of the said assistance, either wholly or in part, or his intention so to do, shall be punished by a penalty of detention for a period not exceeding one year and of a fine not exceeding one hundred pounds or by one of those two penalties.

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ARTICLE 321. Criminal Associations.

If three or more persons create an association for the commission of several Crimes or Misdemeanours each associate therein is punishable by a penalty of imprisonment of from one to five years if the purpose of the association was the commission of Crimes and by a penalty of detention if the purpose was to commit Misdemeanours.

Whoever leads, forms, or organizes the said association shall be punished by a penalty of imprisonment of from three to eight years if the purpose of the association was for the commission of Crimes or by a penalty of imprisonment of between two and five years if the purpose of the association was for the commission of Misdemeanours.

The penalty shall be increased by an amount not exceeding one third if the members of the association overrun the Countryside or public roads while armed.

Any member of the association who takes upon himself to inform the Authorities of the association and of the indentity of its other members, or who causes its dissolution by any means before the commission of any of the offences for which the association was formed and before the institution of Criminal Proceedings against the association shall be exempt from the penalty.

The leaders of the association or those who formed the same shall not be exempt from the penalty unless they cause the dissolution of the association.

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ARTICLE 322. Aiding Members of a Criminal Association.

Whoever shelters or supplies with provisions one of the members of a Criminal Association shall be punished by a penalty of detention for a period not exceeding two years, if he did not take part in the offence or facilitate the same.

No one is liable to punishment who commits these acts for the benefit of one of his kindred.

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Whoever commits any act of destruction or robbery or plunder shall be punished by a penalty of imprisonment of from five to fifteen years, if the object of the act was other than an attack upon the safety of the State.

If the act is committed in respect of arms, ammunition, or supplies in a place for sale or deposit then shall the penalty be increased by an amount not exceeding one third.

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ARTICLE 324. Intimidation of the Public.

Whoever threatens to commit offences against the public safety or acts of destruction, robbery, or plunder and so causes fear in the hearts of the public shall be punished by a penalty of detention for a period not exceeding two years.

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ARTICLE 325. Intimidation of the Public by the Use of Explosives.

Whoever explodes bombs or other explosive articles or machines for the purpose of causing fear in the hearts of the public or to cause disturbance or confusion shall be punished by a penalty of detention if the act does not constitute a graver offence.

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TITLE VII.

OFFENCES DISTURBING PUBLIC CONFIDENCE.

CHAPTER 1.

Falsification of Money and Stamps.

ARTICLE 326. Falsification of Money and Importation of False Money and Putting the Same into Circulation.

Whoever imitates the National Money or Foreign money legally or customarily current in the Libyan State, or who alters genuine money in any manner whatsoever so that its apparent value is increased or its substantial value decreased, or who imports into Libya money falsified in any of the ways aforementioned and passes the same or puts the same into circulation, shall be punished by a penalty of imprisonment for a period not exceeding fifteen years and of a fine not exceeding one thousand pounds.

For the purposes of Criminal Law the expression "money" shall include current paper money, public securities payable to the bearer thereof and their counterparts, or documents legally or customarilly current and considered as money and issued by institutions authorised so to do.

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ARTICLE 327. Putting into Circulation False Money Received in Good Faith.

Whoever, in good faith, receives false money and puts the same into circulation after he has knowledge of its imperfection shall be punished by a penalty of detention for a period not exceeding six months or of a fine not exceeding six times the value of the money which he put into circulation.

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ARTICLE 328. Falsification of Stamps and Using the Same.

The provisions of the two preceding Articles shall apply to stamps if in respect to them the acts provided for by those Articles are committed but the penalty shall be reduced to the amount of one third.

Stamps, for the purposes of Criminal Law, are papers carrying official stamps, revenue stamps, postage stamps, and other stamps given by law similar force.

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ARTICLE 329. Falsification of Water-Marks upon Official Papers and the Manufacture of Instruments for Falsification and their Acquisition or Possession.

Whoever falsifies the water-marks used in the manufacture of papers used for public documents or stamps or who obtains such falsified papers or has them in his possession or deals in the same shall be punished by a penalty of imprisonment of between one and

six years and of a fine of between fifty and one hundred and fifty pounds, if the act does not constitute a graver offence.

The same penalty shall apply to whomsoever manufactures the instruments used solely for the purpose of falsifying money or stamps and papers bearing water-marks or who has the same in his possession or obtains or deals in the same.

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ARTICLE 330. Falsification of Permits in Respect of Public Services.

Whoever falsifies or forges tickets, cards, or permits allowing the bearer thereof the use of one of the public services shall be punished by a penalty of detention for a period not exceeding two years and of a fine of between twenty and one hundred pounds.

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ARTICLE 331. Use of Falsified Permits Relating to One of the Public Services.

Whoever uses the tickets, cards, or permits mentioned in the preceding Article, not having himself taken part in their falsifying or forgery, shall be punished by a penalty of detention for a period not exceeding four months or of a fine of between five and twenty pounds.

If he who uses the said tickets, cards, or permits has obtained the same in good faith then shall the penalty be a fine not exceeding ten pounds.

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ARTICLE 332. Falsifying or Erasure of Cancellation Marks Placed Upon Stamps or Tickets with the intention of Re-using them.

Whoever erases in any manner or cancels the signs placed upon stamps or the permits mentioned in Article 330 of this Code to indicate that they have been used shall be punished by a penalty of detention not exceeding six months or of a fine of between ten and thirty pounds if the said stamps or permits are used by him or permitted by him to be used by another.

The same penalty shall apply to anyone who uses the said falsified stamps or permits, he himself not having taken part in their falsification.

If the said stamps or permits have been received in good faith and are intentionally used then shall the penalty be a fine not exceeding ten pounds.

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ARTICLE 333. Exemption from Punishment.

Whoever, having committed any of the acts mentioned in the preceding Articles, prevents the imitation of the things mentioned in the said Articles, or who prevents their falsification or manufacture or their circulation, and that before the matter comes to the knowledge of the Authorities, shall be exempt from punishment.

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CHAPTER 2.

Falsification of Seals or Marks and Similar Signs.

ARTICLE 334. Falsification of Public Seals and Instruments Used for Authentication.

Whoever falsifies the Seal of the State or of a Province used

for the purpose of being affixed to Government Documents, or whoever falsified or alters official seals or marks used by public bodies or authorities for the purpose of authenticating or certifying, or whoever used the said falsified or altered seals or marks, he himself not having taken part in their falsification or alteration, shall be punished by a penalty of imprisonment of from three to six years if his act relates to the seal of the State or of a Province and in the other conditions sot forth herein the penalty shall be imprisonment of from one to five years.

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ARTICLE 335. Unlawful Use of Public Seals or Marks.

Whoever unlawfully obtains authentic seals or stamps used by the State or the Administration or by Public Authorities for the purpose of certification, or whoever uses the same to the injury of another or for his own benefit or for the benefit of another shall be punished by a penalty of detention.

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ARTICLE 336. The Falsification of Seals or Stamps and Their Use under other Circumstances.

Whoever falsifies the seals, stamps, or marks of any authority whatsoever, not mentioned in the preceding Article, or of any Company licensed by the Government or of one of the Commercial Houses, or whoever uses any of the said things knowing them to be falsified, shall be punished by a penalty of detention.

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ARTICLE 337. Unlawful Use of Seals of Companies and Commercial Houses.

Whoever unlawfully obtains the authentic seals or stamps or marks relating to the Authorities or Companies or Commercial Houses referred to in the preceding Article and makes use of them to the injury of the interests of their lawful owners shall be punished by a penalty of detention for a period not exceeding two years.

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ARTICLE 338. Falsification of Distinctive Marks and Patents.

Whoever falsifies or forges the distinctive marks or signs of a patent or industrial product, whether the same be National or Foreign, shall be punished by a penalty of detention and a fine of between ten and twenty pounds.

The same penalty shall be imposed upon anyone who falsifies or forges patent licences or designs or industrial models, whether the same be National or Foreign.

These provisions shall not be applied without due regard being had to local laws and international agreements relating to the protection of technical or industrial property.

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ARTICLE 339. Use of Falsified Marks or Patents or of Merchandise bearing such Marks.

Whoever uses falsified or forged distinctive marks or signs of a patent or industrial product, whether the same be National or Foreign, he himself not having taken part in the falsifying or forgery thereof, shall be punished by a penalty of detention for a period not exceeding two years and of a fine not exceeding one hundred pounds, The same penalty shall apply to whomsoever brings into the Country such falsified or forged marks or signs with the intention of trading with the same or who receives them for sale or offers them for that purpose, or who in whatever manner deals with patent or industrial products bearing such falsified or forged marks or signs.

The same penalty shall apply to anyone who uses falsified or forged patent licences or designs or industrial models, whether National or Foreign. The provisions of the third paragraph of the preceding Article shall apply to the provisions of this Article.

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ARTICLE 340. Accessory Penalty

Publication shall be made of a conviction for a Misdemeanour provided for by the two preceding Articles.

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CHAPTER 3.

Falsification of Deeds.

ARTICLE 341. Falsification by a Public Official of a Public Deed.

Any Public Official who, in the exercise of his office, makes a deed either wholly or partly false, or who falsifies a true deed, shall be punished by a penalty of imprisonment of from one to ten years.

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ARTICLE 342. Falsification by a Public Official of the Tenor of Public Documents.

The penalty prescribed in the preceding Article shall apply to any Public Official who falsely confirms the accuracy of any document declaring his receipt, attestation, or supervision within the exercise of his functions, or attesting evidence not adduced before him, or omitting to declare evidence adduced before him, or who alters the same, or falsely confirms in any manner the occurrence of facts upon which the validity of the document depends.

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ARTICLE 343. Falsification of Certificates by Those Engaged in Services of Public Necessity.

Whoever in the exercise of the Medical or Legal Profession, or in other service of public necessity, gives a certificate and falsely asserts therein the occurrence of an event upon which the validity of the document depends shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding one hundred pounds.

If the act was committed for the purpose of unlawful gain then shall the penalty be both detention and fine.

The same penalties shall apply to whomsoever induces one of the afore-mentioned persons to give the false certificate or who uses the said false certificate with knowledge that it is false.

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ARTICLE 344. Falsification by Private Person of Public Certificates.

If the act provided for by Article 341 is committed by a private person or by a public official not acting in the exercise of his office, the penalty prescribed by that Article shall be applied with a reduction of one third.

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ARTICLE 345. False Attestation in respect of Public Documents.

Whoever falsely attests to a public official in a public act a fact by which the truth of the act is intended to be proved shall be punished by detention for a period not exceeding two years.

The penalty shall not be less than three months if the act falsely attested is an act of personal status.

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ARTICLE 346. Falsification of a Private Document.

Whoever makes a private document, wholly or partly falsified, or alters a true private document, or who permits another to draw up or alter the same, for the purpose of obtaining benefit for himself or another, or to cause injury to others, shall be punished by a penalty of detention for a period of not less than six months, if he himself uses such document or permits another so to do.

False additions to a true private document after the same has been finally drawn up shall be considered as coming within the meaning of alteration.

ARTICLE 347. Use of Falsified Documents.

Whoever, he himself not having taken part in its falsification, uses a falsified official document shall be punished by a penalty of imprisonment for a period not exceeding five years.

The penalty of detention shall apply to whomsoever uses a falsified private document, he himself not having taken part in its falsification, if the purpose in so using the same was to obtain benefit therefrom for himself or for another or to injure others.

ARTICLE 348. Destruction, Damage, or Concealment of True Documents.

Whoever destroys, damages, or conceals true official or private documents shall be punished by a penalty of imprisonment for a period not exceeding five years.

If the act is in respect of a private document then the offender shall not be punished unless he has acted for the purposes set forth in the preceding Article.

ARTICLE 349. Falsification of Registers and Notices.

Whoever is obliged by law to keep registers which are subject to inspection by the Public Security Authorities, or who is obliged to submit notices to the said Authorities as to his industrial, commercial, or professional activities and who declares in the said registers or notices false information or permits such false information to be declared, shall be punished by a penalty of detention for a period not exceeding six months or of a fine not exceeding one hundred pounds.

ARTICLE 350. Falsification of Passports.

Whoever falsifies a passport or transit pass or permit or similar document, or uses anything of this nature after its falsification or alteration, shall be punished by a penalty of detention or of a fine not exceeding fifty pounds. If he who falsified the same was a public official then shall the special provisions as to public officials be applied to him.

ARTICLE 351. Falsification of Private Documents Signed in Blank.

Whoever, for the purpose of procuring for himself or another any advantage or of causing an injury to another, by the unlawful use of a paper signed in blank, being in his possession under a title involving an obligation or an authority to complete it, writes therein, or causes to be written therein, any private deed which produces legal facts other than that which he was obliged or authorized to write, shall be punished by a penalty of imprisonment of from six months to three years, if he himself uses the same or permits another so to do.

Every paper in which the person who has subscribed his name thereto has left blank any part thereof shall be considered as a paper signed in blank.

ARTICLE 352. Falsification of Official Papers signed in Blank.

The penalty prescribed by Article 341 of this Code shall be applied to a Public Official who by an unlawful use of a paper signed in blank which he has in his possession by reason of his office and it is obligatory upon him to complete the same, or he is authorized so to do, writes or permits to be written thereon any public act other than that which he is obliged or authorized to make.

ARTICLE 353. Other Falsification of Papers Signed in Blank.

The special provisions of this Code as to the substative falsification of official or private documents shall be applied in respect of documents signed in blank in conditions not provided for by the two preceding Articles.

CHAPTER 4

Personation and Falsification of Certificates of Identity.

ARTICLE 354. Usurpation of Titles or Honours.

Whoever unlawfully wears in public the device or distinctive marks of a rank, office or public employment, or of a political, administrative, or judicial body, or of a profession for which is required a special authorisation from the State, or who unlawfully wears in public an ecclesiastical habit, shall be punished by a penalty of detention for a period not exceeding two years or of a fine not exceeding fifty pounds.

The same penalty shall be applied to whomsoever assumes an academic dignity or degree or any title of honour, or the decorations thereof, or any of the qualities or signs inherent in the offices, employments, or professions specified in the preceding paragraphs.

The same penalty shall apply to whomsoever, publicly and without lawful authority, wears a foreign decoration or assumes a foreign title or rank.

Conviction involves publication of the sentence.

ARTICLE 355. Personation.

Whoever, for the purpose of obtaining an advantage for himself or for another, deceives another by simulating the person of another, or attributes to himself or to another a false name, status, or a quality to which the law gives legal effect, shall be punished by a penalty of detention for a period not exceeding one year, if his act does not constitute a graver offence against public Confidence.

ARTICLE 356. False Attestations as to Identity before a Public Official.

Whoever falsely declares or attests to a public official in any public act the identity, status, or other quality of himself or of another shall be punished by a penalty of detention.

The same penalty shall be applied to whomsoever commits the said act in a declaration intended to be reproduced in a public act.

Under the following circumstances the penalty shall not be less than one year:-

1. If the declaration related to any act of personal status:

2. If the false declaration is made by anyone accused by a judicial authority, or if by reason of a false declaration a penal decision is registered under a false name in the register of previous convictions.

ARTICLE 357. False Attestations as to Identity or Personal Status When under Interrogation.

Due regard being had to the previous provisions, whoever makes a false declaration as to the identity, status, or quality of himself or of another while under interrogation by a public official during the exercise by that official of his authority, shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding fifty pounds.

TITLE VIII

Offences Against Public Economy, Industry, and Commerce and Freedom to Work

CHAPTER I

Offences Against Public Economy.

ARTICLE 358. Fraudulent Influence Upon Prices.

Whoever publishes or disseminates false information for the purpose of disturbing the local markets, or who disseminates exaggerated information or who resorts to any other fictitious means to cause a rise or fall in the prices of merchandise or real property or financial documents or securities officially negotiated upon the Bourse or in the markets, with the object of disturbing Commercial or financial transactions in the local markets, shall be punished by a penalty of imprisonment for a period not exceeding three years and of a fine not exceeding fifty pounds.

The penalty shall be doubled if the act is committed by a Libyan in the employ of a Foreign Interest and as the result of the act there is a fall in the value of the Libyan currency or in the value of public Securities, or if as the result of the act the price of Commodities universally or largely consumed rises.

ARTICLE 359. Interference with Liberty to Work.

Whoever uses force or violence or terror or threats or other unlawful means with the intention of forcing another to refuse to work or to force an employer to employ any person or to prevent an employer from employing any person, shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding fifty pounds. The same penalty shall apply if the intention was to prevent any person from joining a Trade Union.

The provisions of this Article shall apply if the force or violence or terror or unlawful means are used against the wife or children of the person intended to be forced.

The following shall particularly be considered as unlawful means :-

Firstly, prevention of the person intended to be forced from performing his work by concealing his tools or clothes or any other things used by him or in any other manner;

Secondly, continually following him in his coming and goings;

Thirdly, standing threateningly near his dwelling or near to any other place where he lives or works.

ARTICLE 360. Hindering Agricultural or Industrial Production.

Whoever, with the sole intention of preventing the ordinary course of work or of obstructing the same and in pursuance of that intention enters or occupies an agricultural or industrial establishment belonging to one of the people, or who, with the same

intention, in any manner makes use of the instruments, tools, or apparatus or means of conveyance relating to agriculture or industrial products, shall be punished by a penalty of detention and of a fine not exceeding one thousand pounds.

The penalty shall be increased by one third if as the result of the act damage occurs to the agricultural or industrial establishment or to the things mentioned in the previous paragraph.

The penalty shall be doubled in respect of anyone who incites to, or arranges for, the commission of the said acts.

ARTICLE 361. Destruction of Primary Necessities and Products.

Whoever by destruction of primary necessities or industrial products causes grave injury to the National production or a grave shortage in commodities universally or largely consumed, shall be punished by a penalty of imprisonment of between two and six years and of a fine of not less than one hundred and fifty pounds.

If the act was one of special danger then shall the penalty be increased to the extent of no more than double.

ARTICLE 362. Spreading Disease among Plants and Livestock.

Whoever causes the diffusion of disease of plants or livestock and endangers the agricultural economy or the National wealth in livestock shall be punished by a penalty of imprisonment of from one to five years.

If the diffusion of the disease results from negligence then shall the penalty be a fine of between twenty and one hundred pounds.

CHAPTER 2

Offences against Industry and Commerce

ARTICLE 363. Interference in Freedom of Industry and Trade.

Whoever uses violence against things or fraud to prevent the exercise of industry or commerce or to hinder the same shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding one hundred pounds.

ARTICLE 364. Fraud in the Exercise of Commerce.

Any merchant, or owner of a place open to the public, who sells to a purchaser one movable thing for another or any movable thing which by its origin, source, quality or quantity differs from that it is advertised to be or is agreed to be, shall be punished by a penalty of imprisonment for a period not exceeding two years or of a fine not exceeding one hundred pounds. If the act was in respect of valuable objects then shall the penalty be imprisonment for a period not exceeding three years and a fine not exceeding two hundred pounds.

ARTICLE 365. Fraud Against National Industry.

Whoever offers for sale or in any other manner puts into circulation industrial products in National or Foreign markets under names or distinctive marks or signs which have been falsified or altered and thereby causes injury to the National industry shall be punished by a penalty of imprisonment of from one to five years and of a fine of not less than fifty pounds.

If the rules of domestic law or international agreements for the protection of industrial property have been observed in respect of the distinctive marks or signs the penalty shall be increased by an amount not exceeding one third and under these circumstances the provisions of Articles 337 and 339 of this Code shall not apply.

ARTICLE 366. Sale of Products Under False Names.

Whover offers for sale or in any manner deals in machinery or industrial products, whether National or Foreign, under distinctive marks or signs likely to deceive the purchaser as to their source, origin, or quality, shall be punished by a penalty of imprisonment for a period not exceeding one year or of a fine not exceeding sixty pounds.

ARTICLE 367. Publication of the Sentence.

In the case of a conviction under Articles 358, 364 and 366 of this Code the sentence shall be published

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BOOK THREE

OFFENCES AGAINST THE PERSON

TITLE I.

Offences against the Individual

CHAPTER I

Offences Against Individual Life and Safety

ARTICLE 368. Intentional Homicide With Premeditation.

Whoever intentionally kills another with premeditation or lying in wait shall be punished by the penalty of death.

ARTICLE 369. Premeditation.

Premeditation is the intention resolved upon before the act to commit an offence against any person and the deliberate preparation of the means for carrying the act into execution.

ARTICLE 370. Lying in Wait.

Lying in wait is the lurking of a person in wait for another in a place or many places for a period, be the period short or long, for the purpose of accomplishing the killing of that other or to commit upon him any act of violence.

ARTICLE371. Poisoning.

Whoever intentionally kills another by any substance causing death, whether soon or later, shall be considered as a poisoner, by whatever means the substance was used, and shall be punished by the penalty of death.

ARTICLE 372. Intentional Homicide Without Premeditation or Lying in Wait.

Whoever kills another intentionally without premeditation or lying in wait shall be punished by a penalty of imprisonment of between twenty and twenty-four years.

If the offence is committed against ascendants or descendants, or a spouse, or a brother, or sister, or if the motive for the commission of the offence was trivial or base or if the offence was committed with brutality or ferocity then shall the penalty be imprisonment for life.

But he who commits this Crime shall be punished by the penalty of death if another Crime is committed before, during, or after its commission, but if the intention was the preparation for the commission of a Misdemeanour or the facilitation thereof or to commit the same or to assist whomsoever has committed any Misdemeanour or to assist accomplices therein to escape or to evade the penalty therefor then shall the offender be sentenced to death or to imprisonment for life.

ARTICLE 373. Killing of Infant to Preserve Honour.

Whoever causes the death of an infant immediately after birth or of an unborn child during birth for the preservation of public honour of that of one of his kindred shall be punished by a penalty of imprisonment of from three to ten years.

Anyone who participates in the offence with the sole object of assisting one of the said persons to preserve their honour shall be liable to the same penalty.

Under any other circumstances he who participates in the offence shall be punished by a penalty of imprisonment of not less than ten years.

ARTICLE 374. Unintentional Homicide.

Whoever intentionally wounds, assaults, or administers a harmful substance to another but not intending to kill him but nevertheless death results shall be punished by a penalty of imprisonment of from three to fifteen years.

But if the act was with premeditation or lying in wait then shall the penalty be imprisonment of from seven to eighteen years.

ARTICLE 375. Homicide or Injury in Preservation of Honour.

Whoever comes suddenly upon his wife, or his daughter, or his sister in the act of carnal connection or in the act of any unlawful carnal intercourse and thereupon kills her or her associate in a state of anger caused by the attack upon his honour or that of his family, shall be punished by a penalty of imprisonment for a period not exceeding eight years.

If the aforesaid circumstances are fulfilled the same penalty shall be applied to whomsoever comes suddenly upon a person in the act of bodily connection with one of his kindred and kills him.

If the act results in the personal injury of one of the above-mentioned persons under the same circumstances then shall the provisions of Article 379, 380 and 381 of this Code be applied with the reduction of the penalty to the extent of a third.

A mere assault under these circumstances shall not be punished.

ARTICLE 376. Instigation to, and Assistance in, the Commission of Suicide.

Whoever incites another, or assists another, to commit suicide, the suicide actually occurring, shall be punished by a penalty of imprisonment of from three to ten years; if the suicide does not occur but as the result of an attempt thereat grave or dangerous injury occurs then shall the penalty be detention for a period of from three months to two years.

ARTICLE 377. Homicide Without Intention and Purpose.

Whoever kills another negligently or causes the death of another unintentionally and not purposely shall be punished by a penalty of imprisonment of from six months to five years and of a fine not exceeding two hundred pounds or by one of these two penalties.

ARTICLE 378. Assault.

Whoever assaults another without causing bodily or mental sickness shall be punished upon the complaint of the person so assaulted by a penalty of detention for a period not exceeding six months or of a fine not exceeding five pounds.

ARTICLE 379. Slight Injury.

Whoever causes to another injury resulting in bodily or mental sickness shall be punished by a penalty of detention for a period not exceeding two years or of a fine not exceeding twenty pounds.

If the period of sickness does not exceed ten days and the aggravating circumstances provided for in Article 382 of this Code are absent then no proceedings shall be taken except upon the complaint of the injured party.

ARTICLE 380. Grievous Injury.

If any of the following circumstances are present the bodily injury shall be considered as grievous and the penalty shall be imprisonment of from one to five years: -

1. If the act results in sickness endangering the life of the person injured or renders him incapable of exercising his ordinary occupation for a period exceeding forty days;

2. If the act results in permanent weakening of a sense or organ of the body;

3. If the act is committed against a pregnant woman and as the result premature birth occurs.

ARTICLE 381. Dangerous Injury.

The injury shall be considered as dangerous and the penalty shall be imprisonment for a period of between three and nine years if the act results in : -

1. Sickness from which there is no hope, or possibly, no hope, of recovery;

2. Loss of one of the senses;

3. Loss of a limb or loss of the use of the same or of the use of one of the organs or of

the capacity to procreate or grievous permanent difficulty in speech;

4. A deformity or permanent injury to the face.

5. Abortion of the pregnant woman attacked.

ARTICLE 382. Aggravating Circumstances.

The penalty shall be increased by an amount not exceeding a third if the injuries provided for in Articles 379, 380, and 381 of this Code are accompanied by premeditation or lying in wait or by the use of a weapon, or if the injury is committed against the person of an ascendant or descendant or a spouse or a brother or sister.

ARTICLE 383. Excess of Intention in Assault.

If any person assaults another not intending to cause injury and as the result of the act injury occurs the provisions of Article 379, 380 and 381 shall be applied with a reduction of the penalty not exceeding one half.

ARTICLE 384. Negligent Personal Injury.

Whosoever causes personal injury to another negligently shall be punished by a penalty of detention for a period not exceeding two years or of a fine not exceeding one hundred pounds. If the injury is slight then proceedings shall not be taken except upon the complaint of the person injured.

ARTICLE 385. Death or Injury resulting from Another Offence.

If as the result of an act considered an intentional offence the death or injury of a person occurs and the said result was not intended by the offencer or the nature of the act was not likely to cause the said injury, the provisions of Article 377 and 384 of this Code, relating to killing or injury by negligence, shall be applied to the offence.

ARTICLE 386. Brawling

Whoever takes part in a brawl shall be punished by a penalty of detention for a period not exceeding three months.

If one of the persons taking part therein is killed or suffers personal injury, the act alone of taking part in the brawl is punished by a penalty of imprisonment of between six months and five years.

The same penalty shall apply if the killing or personal injury occurs immediately after and in consequence of the brawl.

ARTICLE 387. Abandonment of Juveniles and Incapacitated Persons.

Whoever abandons a person entrusted to him for custody or care, if that person is a juvenile or a person incapable of managing his own affairs by reason of bodily or mental sickness, or by reason of senility or for any other reason, shall be punished by a penalty of detention.

If the act results in personal injury to the juvenile or incapacitated person the penalty shall be imprisonment for a period not exceeding four years. If death results then shall the penalty be imprisonment for a period not exceeding eight years.

ARTICLE 388. Omission to Give Assistance.

Whoever finds an abandoned or wandering juvenile of less than 10 years of age, or who finds any other person incapable of managing his own affairs by reason of bodily or mental sickness or senility or by reason of any other cause, and does not inform the authorities thereof, shall be punished by a penalty of detention for a period not exceeding three months or of a fine not exceeding ten pounds.

The same penalty shall apply to any person who finds another dead or apparently dead or who finds a person wounded or in danger and does not proffer the necessary assistance or does not inform the authorities thereof.

If as the result of the omission of the offender personal injury is caused then shall the penalty be increased by an amount of a third or it shall be doubled if death results.

ARTICLE 389. Abandonment of New-Born Child for Preservation of Honour

Whoever abandons a new-born child immediately after the birth for the sake of the preservation of the honour of himself or one of his kindred shall be punished by a penalty of detention for a period not exceeding one year.

If as the result of the act personal injury occurs to the new-born child then shall the penalty be detention of from six months to two years.

If the new-born child dies as the result of the abandonment then shall the penalty be imprisonment of from two to five years.

CHAPTER 2.

Abortion.

ARTICLE 390. Abortion without Consent.

Whoever procures the abortion of a pregnant woman without her consent shall be punished by a penalty of imprisonment for a period of between four and ten years.

ARTICLE 391. Abortion with Consent.

Whoever procures the abortion of a pregnant woman with her consent shall be punished by a penalty of imprisonment of between one and four years and the same penalty shall apply to the woman who consented to the abortion.

ARTICLE 392. Abortion procured by Woman herself.

A pregnant woman who procures her own abortion shall be punished by a penalty of imprisonment of between one and three years.

ARTICLE 393. Death or Injury of Pregnant Woman.

If as the result of the act provided for in Article 390 of this Code the woman dies the penalty shall be imprisonment of from six to fifteen years. If dangerous personal injury results then shall the penalty be imprisonment of from five to twelve years.

If as the result of the act provided for in Article 391 of this Code the woman dies the penalty shall be imprisonment of from three to seven years. If grievous or dangerous personal injury results then shall the penalty be imprisonment of from one to five years.

ARTICLE 394. Abortion for the Preservation of Honour.

If any of the acts provided for in the preceding Articles are committed for the preservation of the honour of the offender or one of his kindred then shall the penalties prescribed therein be imposed with a reduction of from a half to two-thirds.

ARTICLE 395. Aggravating Circumstances.

If one of the Crimes provided for in Article 390 or in the first paragraph of Article 391 or 393 are committed by a person practicing the medical profession the penalty shall in his case be increased by an amount not exceeding one-third.

In the event of recidivism the offender shall be perpetually interdicted from the practice of the medical profession.

TITLE II.

OFFENCES AGAINST THE FAMILY.

CHAPTER I.

OFFENCES RELATING TO THE DUTY TO MAINTAIN.

ARTICLE 396. Breach of Family Duties.

Whoever, abandoning his home, or adopting a course of conduct contrary to the good order and morale of his family, avoids the obligations of maintenance inherent in his paternal authority

or in his capacity of a guardian or as a spouse, shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding fifty pounds.

The penalty shall be increased to the extent of a half if the offender commits any of the following acts:-

1. Steals or squanders the property of his infant son or of anyone entrusted to him as guardian or of his spouse;

2. Deprives of the means of subsistence his descendants who are juveniles or incapable of work or his ascendants or his spouse from whom he has not been legally separated for no fault of his own.

ARTICLE 397. Abuse of the Powers of Correction or Discipline.

Whoever unlawfully uses the powers of correction or discipline against a person subject to his authority or entrusted to him for education, instruction, care, or supervision, or protection, or for apprenticeship in a profession or art, shall be punished by a penalty of detention for a period not exceeding one year if the nature of the act exposes the person in his care to bodily or mental sickness.

If from the act personal injury results the penalties prescribed in Articles 379, 380, and 381 of this Code shall be applied after reduction to the extent of one-third. If death results then shall the penalty be imprisonment of between three and eight years.

ARTICLE 398. Ill-Treatment of Children and Members of the Family.

Due regard being had to the provisions of the previous Article, whoever ill-treats a member of his family or a juvenile under the age of fourteen years, or any other person subject to his authority or entrusted to him for instruction, care or apprenticeship to a profession or art, shall be punished by a penalty of imprisonment for a period not exceeding five years.

If personal injury results from the act then shall the penalty be increased to the extent of one-half; if death results then shall the penalty be imprisonment of between ten and twenty years.

CHAPTER 2.

Offences Against Family Morals.

ARTICLE 399. Adultery of the Wife.

An adulterous wife and her paramour shall be punished by a penalty of detention for a period not exceeding two years.

Proceedings shall not be instituted except upon the complaint of the husband, but he shall not have this right if he has committed the act provided for in the succeeding Article during five years preceding the adultery of the wife.

ARTICLE 400. Adultery of the Husband.

The husband who commits adultery in the marital home or publicly takes to himself in any place a concubine shall be punished by a penalty of detention not exceeding six months. Proceedings shall not be instituted except upon the complaint of the wife and the same penalty shall be applied to the concubine.

No penalty shall be imposed if the husband proves that his wife has committed adultery during the period prescribed in the last paragraph of the preceding Article.

ARTICLE 401. Extenuating Circumstances.

The penalty prescribed by the two preceding Article shall be reduced to detention for a period not exceeding three months if the adulterous spouse was legally separated from the other or wrongfully deserted by the other.

ARTICLE 402. Extinction of the Offence.

In the circumstances provided for by Articles 399, 400 and 401 the offence is extinguished if the spouse who is the complainant withdraws his complaint, even after final sentence.

The offence is also extinguished by the death of the injured spouse or by the dissolution of the marriage, and that even in the case of the paramour or concubine or any other person who is an accomplice in the offence and if a conviction has been had then shall the penalty cease to be executed and the penal effects of the conviction are extinguished

ARTICLE 403. Incest.

Whoever has carnal connection with one of his ascendants or descendants or with his sister or brother or one of the ascendants or descendants of his spouse shall be punished by a penalty of imprisonment of from one to five years.

The penalty shall be imprisonment of from two to eight years if the act is repeated and becomes a continued incestuous relation,

If the act is committed by an adult with a Juvenile under the age of eighteen years the penalty in respect of the adult is increased to the amount of a third.

The conviction of a Father involves his interdiction from paternal authority or legal guardianship.

CHAPTER 3.

Offences Against the Status of the Family.

ARTICLE 404. Destruction, Alteration, or Fabrication of Evidence of Personal Status.

Whoever conceals or substitutes a recently born child for the completion of a certificate of birth or who gives false information to the office of registration of births or who destroys or alters evidence of the personal status of the infant or who causes a false entry as to birth to be entered in the registers of the office for registration of births shall be punished by a penalty of imprisonment of from three to ten years.

ARTICLE 405. Concealment of Status of Legitimate or Natural Child.

Whoever places in a foundling hospital, or in any other benevolent institution, a legitimate child or natural child recognized by him or submits him to any similar institution thereby concealing true evidence as to the child's status, shall be punished by imprisonment for a period of from three months to five years.

ARTICLE 406. Abduction of a Juvenile with his Consent.

Whoever abducts a juvenile who has completed fourteen years of age from his parent or guardian, although with the consent of the juvenile, or whoever refuses to surrender the said juvenile against the will of the parent or guardian, shall be punished by a penalty of detention.

The penalty shall be increased by an amount not exceeding one-third if the act is committed in respect of a child under the age of fourteen years or in respect of one mentally defective, although the latter has fled from the person entrusted with his custody or supervision.

TITLE III.

OFFENCES AGAINST FREEDOM HONOUR AND MORALS.

ARTICLE 407. Carnal Connection by Force. (See Article 423)

Whoever has carnal connection with another by force or threats shall be punished with a penalty of imprisonment for a period not exceeding ten years. The same penalty shall apply to whomsoever shall have carnal connection with a juvenile under the age of fourteen years or with a person unable to resists by reason of bodily or mental sickness, and to whomsoever personates another and deceives another and thereby induces him to submit to an act of carnal connection with him.

If the offender was an ascendant of the person upon whom the act is committed, or the offender is entrusted with the care or supervision of that person, or if the offender is one having authority over that person, or if the person upon whom the act is committed is a servant in the employ of the offender or in the employ of any of the persons hereinbefore mentioned, then shall the penalty be imprisonment f between five and fifteen years.

ARTICLE 408. Indecent Assault. (See Article 423)

Whoever, using any of the means referred to in the preceding Article, commits an indecent assault upon another shall be punisehed by a penalty of imprisonment not exceeding five years.

The same penalty shall apply to whomsoever commits the act upon a person under the age of fourteen years.

If the offender is one of the persons mentioned in the last paragraph of the preceding Article then shall the penalty be imprisonment up to seven years.

ARTICLE 409. Seduction of Juveniles. (See Article 423)

Whoever, in any way other than provided for by Article 407 and 408, commits indecent acts upon a juvenile under the age of sixteen years or who commits the same in the presence of the said juvenile, shall be punished with a penalty of imprisonment for a period of between six months and four years. The same penalty shall apply to anyone who seduces a juvenile under the age of sixteen years to commit the said acts upon himself or upon the seducer or upon another, or who induces a juvenile in any manner whatsoever to commit an indecent act upon a person of the same sex or of another sex or assists him thereto or facilitates the same.

The penalty shall be increased by an amount not exceeding one-half if the seduction or inducement of the juvenile or the facilitation or assistance in the commission of the acts aforesaid was by one of the persons mentioned in the last paragraph of Article 408 of this Code.

ARTICLE 410. Indecent Acts Between Persons of the Same Sex.

Due regard being had to the provisions of Articles 408 and 409 of this Code, whoever commits an indecent act with a person of the same sex or surrenders himself to such an act and the act is discovered or the offender is come upon in a public place in the commission of the act, shall be punished, he and his associate, by a penalty of imprisonment of between one and four years.

ARTICLE 411. Abduction With Intention of Marriage. (See Article 423)

Whoever abducts an unmarried woman or detains her by force, threats, or deceit, with the intention of marring her, shall be punished by a penalty of detention for a period of not less than six months.

The penalty shall be imprisonment of from two to five years if the act is committed against an unmarried female whose age is between fourteen and eighteen years.

ARTICLE 412. Abduction for the Commission of Indecent Acts. (See Article 423)

Whoever abducts a person, or detains a person by force, threats, or deceit, for the purpose of the commission of indecent acts

shall be punished by a penalty of imprisonment not exceeding five years.

The penalty shall be increased by an amount not exceeding one third if the act is committed against a person who has not completed the age of eighteen years or against a married woman.

ARTICLE 413. Abduction Without Force of a Juvenile Under Fourteen Years of Age or of Mental Defective. (See Article 423)

The penalties prescribed by the last paragraph of the two preceding Articles shall be applied to anyone who commits the acts therein mentioned without force, threats, or deceit against a juvenile under the age of fourteen years or against a person mentally sick or unable to resists by reason of personal or bodily weakness, even if this weakness was not caused by the offender.

ARTICLE 414. Extenuating Circumstances.

The penalties prescribed in the three preceding articles shall be reduced to a half if, before his conviction and before the commission of any indecent act with the person abducted, the offender takes steps for the return to freedom of the person abducted and for his return to the place where he was abducted or to place him in a place of security where his family or those entrusted with his supervision may receive him back.

ARTICLE 415. Incitement to Prostitution.

Whoever, for the lust of another, induces a juvenile or person mentally defective to prostitution, or facilitates the same, shall be punished by a penalty of imprisonment of between one and five years and of a fine not exceeding one hundred pounds.

Under the following circumstances the penalty shall be doubled:-

1. If the act is committed against a person under the age of fourteen years;

2. If the offender is one of the ascendants of the person against whom the act is committed, or one of the ascendants of the wife of the said person, or if the offender is an adoptive father or a spouse or brother or sister or guardian of the said person;

3. If the offender is entrusted with the care, education, supervision, custody, or apprenticeship or instruction of the person against whom the act is committed.

ARTICLE 416. Compulsion to Prostitution.

Whoever, for the lust of another, uses force or violence to compel a juvenile or an adult woman to prostitution shall be punished by a penalty of imprisonment of from two to six years and of a fine of between one hundred and fifty and five hundred pounds.

The penalty shall be doubled in the circumstances provided for by the second paragraph of the preceding Article or if the act is committed against a married woman.

ARTICLE 417. Living on Earnings of Prostitution.

Whoever maintains himself partly or wholly upon the earnings of a woman by prostitution shall be punished by a penalty of imprisonment of between one and four years and of a fine not exceeding one hundred pounds.

ARTICLE 418. Traffic in Women to Foreign Territory.

Whoever compels a woman by force or threats to emigrate to a place abroad with the knowledge that she will there practice prostitution shall be punished by a penalty of imprisonment of from one to five years and of a fine of between one hundred and five hundred pounds.

The same penalty shall apply to anyone who induces a juvenile or mentally defective adult woman by any means whatsoever to emigrate to a place abroad with the knowledge that they will there practice prostitution.

If the act was accompanied by force or threats then shall the penalty be increased by an amount of one half.

The penalty shall be doubled in the circumstances provided for in the last paragraph of Article 415 of this Code as also if the act is committed in respect of two or more persons, even if their destinations differ.

ARTICLE 419. Facilitation of Traffic in Women.

Whoever facilitates in any manner whatsoever the commission of one of the offenses provided for by the preceding Article with knowledge that the same is for the purpose of the practice of prostitution shall be punished by a penalty of imprisonment of between one and five years and of a fine of between one hundred and five hundred pounds, unless he is an accomplice in which case the provisions of the final paragraph of the preceding Article shall apply.

ARTICLE 420. Traffic in Women by a Libyan.

A Libyan shall be punished for the acts provided for in the two preceding Articles although he may have committed the same while abroad.

ARTICLE 421. Indecent Acts and Articles.

Whoever commits an act of indecency in a public place or in an open place or in a place to which the public has access shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding fifty pounds.

The same penalty shall apply to anyone who offends against

public decency by the distribution of writings, pictures, or other articles of an indecent nature, or who publicly exposes the same or offers the same for sale. Artistic or scientific productions shall not be considered as indecent unless they are proferred for other than an instructional purpose to a person under the age of eighteen years for sale by him or if they are offered for sale to him or if he is facilitated in the obtaining thereof by any means whatsoever.

ARTICLE 422. Age of Person Against Whom Offense is Committed.

The offender shall not be excused by ignorance of the age of the person against whom any of the offenses provided for in this Title are committed if that person is under the age of fourteen years.

ARTICLE 423. Complaint of Person Against Whom the Offense is Committed.

Public cases (see Note below) in respect of offenses provided for by Articles 407, 408, 409, 411, 412 and 413 of this Code shall not be instituted except upon the complaint of the person against whom they are committed, except under the following circumstances:-

1. If the offense is committed by a parent or adoptive parent of a guardian or a public official contravening the limits of his authority or in breach of the duties of his office:-

2. If the offense is accompanied by another offense requiring the immediate institution of proceedings.

ARTICLE 424. Extinction of, or Stay of Execution of, Penalty.

If the offender marries the woman against whom the offense is committed the offense and penalty are extinguished and the penal effects thereof cease and this shall apply both to the offender and to the accomplices, provided that the law of the personal status of the offender does not permit of divorce or repudiation.

But if the law of the personal status of the offender permits of divorce or repudiation then shall the marriage of the offender have only the effect of staying the institution of Criminal proceedings or of staying the execution of the penalty for a period of three years.

The stay shall cease before the termination of three years from the date of the offense if the woman against whom the offense is committed is repudiated for no valid reason or is a decree of divorce issues in her favour.

Note to Article 423. "Public Cases", See Note to Article 7.

TITLE IV

OFFENSES AGAINST INDIVIDUAL LIBERTY

CHAPTER I

ARTICLE 425. Slavery.

Whoever enslaves another or puts him under conditions resembling slavery shall be punished by a penalty of imprisonment of from five to fifteen years.

ARTICLE 426. Trading and Dealing in Slaves.

Whoever deals in or trades in slaves or in any manner disposes of a slave or a person in a condition resembling slavery shall be punished by a penalty of Imprisonment for a period not exceeding ten years.

The penalty shall be imprisonment of from three to twelve years in the case of anyone who disposes of a slave or of a person in a condition resembling slavery, or who receives him, or has him in his possession, or acquires him, or retains him in his said condition.

ARTICLE 427. Commission of the Offense Abroad Against a Libyan.

The provisions of this Chapter shall also apply if the offense is committed outside Libyan against a Libyan.

CHAPTER 2

Offences Against Personal Freedom.

ARTICLE 428. Confinement of Persons.

Whoever deprives another of his personal freedom shall be punished by a penalty of imprisonment of from six months to five years.

The penalty shall be increased to the extent of a half if the offence is committed:-

1. Against an ascendant or descendant or a spouse;
2. By a public official exceeding the limits of the authority delegated to him by virtue of his office.

ARTICLE 429. Use of Force to Compel Another.

Whoever compels another by force or threats to commit, submit to, or omit to do, any act shall be punished by a penalty of detention or of a fine not exceeding one hundred and fifty pounds.

The penalty shall be imprisonment for a period not exceeding three years if the threats were made to compel a person to commit an act which is an offence.

The penalty shall be increased by an amount not exceeding one third if the force or threats are accompanied by weapons, or if the force or threats are used by a number of persons in concert, or by a person wearing a mask.

ARTICLE 430. Threatening

Whoever threatens another with unlawful injury shall be punished by a fine not exceeding fifty pounds, but no proceedings shall be taken except upon the complaint of the person against whom the offence is committed.

If the threats were of grievous injury or of the nature mentioned in the last paragraph of the preceding Article then shall the penalty be detention for a period not exceeding one year and the institution of proceedings shall not depend upon the complaint of the person against whom the offence was committed.

ARTICLE 431. Abuse of Authority Against Individuals.

Any public official who during the exercise of his office uses violence against an individual and thereby dishonours that individual or causes him bodily pain shall be punished by a penalty of detention and of a fine not exceeding one hundred and fifty pounds.

ARTICLE 432. Search of Persons.

Any public official who, transgressing the bounds of his authority, searches an individual shall be punished by a penalty of detention.

ARTICLE 433. Unlawful Arrest.

Any public official who arrests any person and in so doing exceeds the limits of the powers delegated to him shall be punished by a penalty of detention.

ARTICLE 434. Unlawful Interference with Personal Liberty.

Any public official entrusted with the administration of a prison or an establishment appointed for the execution of measures of security who accepts therein a person without an order from the competent authority, or refuses to obey the order of that authority for the release of the said person, or who unlawfully extends the period of the execution of the penalty or measure of security, shall be punished by a penalty of detention and of a fine not exceeding fifty pounds.

ARTICLE 435. Torture of Prisoners.

Any public official who orders the torture of a person in custody or himself tortures him shall be punished by a penalty of imprisonment of from three to ten years.

CHAPTER 3.

Violation of the Privacy of the Home

ARTICLE 436. Violation of the Privacy of the Home.

Whoever enters a house or any other private place of dwelling or its appurtenances without the permission of him who has the right to prevent him from entering, or who enters the same secretly or deceitfully, shall be punished by a penalty of detention for a period not exceeding two years.

The same penalty shall apply to anyone who remains in the aforesaid places after having been ordered to leave by whomsoever has the right to prevent his entry therein, or who remains therein secretly or deceitfully.

Proceedings shall not be instituted except upon the complaint of the injured party.

The penalty shall be increased by an amount not exceeding one half if the act is accompanied by the use of violence against things or against persons or if the trespasser was openly carring a weapon.

ARTICLE 437. Violation of Privacy of Home by a Public Official

Any public official who enters the dwelling of an individual without consent or remains therein without lawful excuse, and this in virtue of his office and under circumstances not provided for by law or in breach of the regulations made in respect thereof, shall be punished by a penalty of detention and of a fine not exceeding twenty pounds.

TITLE V.

OFFENCES AGAINST HONOUR

ARTICLE 438. Insult (See Articles 441 and 443)

Whoever offends against the honour or dignity of a person in his presence shall be punished by a penalty of detention for a period not exceeding six months or of a fine not exceeding twenty-five pounds.

The same penalty shall apply to anyone who commits the offense by means of telegraph or telephone or writtings or pictures directed to the person injured.

The penalty shall be detention for a period not exceeding one year or a fine not exceeding forty pounds if the offence consists in the attribution of a specific fact. The penalty shall be increased by an amount not exceeding one third if the offence is committed in the presence of several persons.

ARTICLE 439. Defamation. (See Articles 441 and 443)

Due regard being had to the provisions of the preceding Article whoever injures the reputation of another by publication to several persons shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding fifty pounds.

The penalty shall be detention for a period not exceeding two years or a fine not exceeding seventy pounds if a specific act is attributed.

If the defamation is by means of a newspaper or similar means of publication or in a public document then shall the penalty be detention for a period of not less than six months or of a fine between twenty and one hundred pounds.

If one defamation is directed against a political, administrative, or judicial body or a representative thereof or a body lawfully commissioned then shall the penalty be increased by an amount not exceeding one third.

ARTICLE 440. Exclusion of Evidence.

Evidence as to the truth of any of the matters referred to in the two preceding Articles may not be put forward by the offender in his defence, nor may evidence as to the notoriety of the said matters be accepted.

Nevertheless the truth of the allegation may be proved in the following circumstances: -

1 If the person injured was a public official and what is alleged against him has to do with the exercise of his office;

2. If the offence is committed against one of the candidates during the course of general elections;

3. If the matter alleged against the person injured relates to a criminal proceeding already instituted or which it has been decided to institute against him. In these circumstances the offender shall be pardoned of the act if he proves the truth of his allegation or a judgment has issued convicting the person against whom the allegation is made.

ARTICLE 441. Complaint of the Person Injured.

No proceedings shall be instituted in respect of the offences provided for by Articles 438 and 439 of this Code except upon the complaint of the person injured.

ARTICLE 442. Insult or Defamation Before the Judicial or Administrative Authorities.

No penalty shall be imposed in respect of the contents of writings submitted or produced in evidence by the parties or their agents during proceedings before the Judicial or Administrative Authorities, or produced for the defence before the aforesaid Authorities if the defamatory matter is the subject of the case or of administrative complaint.

The Judge, when deciding the case, may order such disciplinary measures as to him may seem fit.

The Judge may also order the destruction of some or all of the writings which contain defamatory matter or may order that they be deleted, and may award the person injured compensation for the injury to his reputation.

ARTICLE 443. Retaliation and Provocation.

In the circumstances provided for by Article 438 of this Code if the offences are mutual the Judge may order that one or both of the offenders be not punished, as also is it permissible not to punish the offender who does not complain of the offence against him.

As also shall no penalty be imposed upon a person if he commits one of the acts provided for by Articles 438 and 439 of this Code while in a state of anger arising immediately after an unjust attack upon him.

TITLE VI.

OFFENCES AGAINST PROPERTY. (See Article 466)

CHAPTER I.

Offences against Property With Use of Force against Persons of Property.

ARTICLE 444. Theft.

Whoever steals the movable property of another for gain to himself or another shall be punished by a penalty of detention for a period not exceeding two years and of a fine notexceeding fifty pounds.

For the purposes of Criminal Law electric power and all other forms of power having an economic value shall be considered as movable property.

ARTICLE 445. Theft by a Person of His Own Property or Destruction Thereof.

Whoever steals his own private property, the same being subject to servitude or real security or detentive right, or who destroys, damages, squadders, or spoils, or renders useless the same either wholly or in part, shall be punished by a penalty of detention for a period not exceeding two years and of a fine of between ten and fifty pounds.

ARTICLE 446. Aggravated Theft.

The penalty shall be imprisonment of between six months and four years and a fine not exceeding thirty pounds;-

1. If the theft was accomplished by means of entering or remaining in a building or other place prepared for habitation.

2. If the thief uses violence against things or resorts to the use of fraudulent means;

3. If the thief exhibits special skill int the commission of the offence;

4. If the theft is of the baggage of travellers in any kind of vehicle, in Stations, or Airports, or Ports, or Inns or any other place where drink or food is obtainable;

5. If the theft is of articles in public offices or public establishments, or of articles under sequestration or attachment, or exposed of necessity or custom relying upon general trust, or prepared for public service, benefit, defence, or worship;

6. If the thief was openly armed;

7. If the Theft is committed by a servant against his employer or by an official workman, or artificer in the store, or warehouse of the employer, or in a place where he usually works, or if the theft was accompanied by the abuse of authority or the abuse of the status of lodger or guest.

8. If the thief takes advantage of circumstances or time or place or person which render difficult theprevention generally or particularly of the offence.

The penalty shall be imprisonment of from one to six years and a fine of between forty and one hundred and fifty pounds under the following conditions:-

1. If the theft is committed by snatching the thing from the hand of him carrying the same or from his person.

2. If the thief was armed or carrying drugs prepared to assist him in the commission of the offence or to facilitate the same.

3. If the offence is committed by three or more persons or if the offence is committed by one person while personating a public official.

4. If the theft is of three or more head of animals in a herd, or of a cow, horse, or camel, although not in a herd.

ARTICLE 447. Plurality of Aggravating Circumstances.

Whoever commits a theft wherein two or more of the aggravating circumstances provided for in the preceding Article are present shall be punished by a penalty of imprisonment of between eighteen months and six years and of a fine of between fifty and two hundred pounds.

If two or more of the aggravating circumstances provided for by the second part of the preceding Article or if one or more of the said circumstances are combined with one or more of the circumstances provided for in the first part of the said Article, then shall the penalty be imprisonment for a period of between thirty months and nine years and a fine of between one hundred and fifty and two hundred pounds.

ARTICLE 448. Theft in which Proceedings are Taken upon the Complaint of the Injured Party.

Upon the complaint of the party injured a penalty of detention for a period not exceeding six months and a fine not exceeding twenty pounds shall be imposed if the theft is committed:-

1. To use the article temporarily if it is returned immediately after so using the same;
2. Upon things of small value to satisfy an urgent need;
3. By picking the ears of cereals or gleaning what remains upon the ground after the harvest if it has not all been gathered in.

Those provisions shall not apply if the circumstances provided for by paragraph 1, 2, and 3 of the first part of Article 446 are present, or if the circumstances provided for in paragraph 1 of the second part of the said Article is present.

ARTICLE 449. Theft of Things owned in Common.

If a co-owner or co-heir, for gain to himself of another, takes a thing owned in common depriying the owners of possession, he shall be punished by a penalty of detention for a period not exceeding two years and of a fine not exceeding fifty pounds.

No pernalty shall be imposed upon the offender if the offence is commited in respect of us ble things provided that the value thereof does not exceed that of the share of the offender.

ARTICLE 450. Robbery.

Whoever, for his own benefit or that of another, by violence or threats takes the movable property of another, depriving that other of the possession thereof, shall be punished by a penalty of imprisonment for a period of between three and ten years and of a fine not exceeding one hundred pounds.

The same penalty shall apply if the violence or threats are used immediately after the commission of the theft to ensure the possession of the stolen article by the person using the violence or threats or by another, or to save the said person or another from punishment.

The penalty shall be increased by not more than half if the violence or threats are made with the use of weapons or by several persons acting in concert or by a single masked person.

ARTICLE 451. Extortion.

Whoever obtains unlawful gain for himself or for another to the injury of another by compelling another by violence or threats to do or not to do anything shall be punished by a penalty of imprisonment of between three and ten years and of a fine not exceeding one hundred pounds.

The penalty shall be increased to not more than a half if any of the circumstances provided for in the last paragraph of the preceding Article are present when the offence is committed.

ARTICLE 452. Detention of Persons for Robbery or Extortion.

Whoever, for his own gain or that of another, detains a person with the object of compelling that person to give any benefit as the price of his being set free shall be punished by a penalty of imprisonment of between eight and fifteen years and of a fine of between fifty and one hundred pounds.

If the offender achieves his purpose then shall the penalty be increased by an amount not exceeding one third.

ARTICLE 453. Alteration of Boundaries.

Whoever removes or alters the boundaries of real property owned by another for the purpose of

wholly or partially appropriating the same to himself shall be published by penalty of detention and of fine not exceeding one hundred pounds.

ARTICLE 454. Diversion of Water and Interference with Property.

Whoever, to secure for himself or another an unlawful gain, diverts public or private water, or alters the state of the property of another, shall be punished by detention and a fine not exceeding one hundred pounds.

ARTICLE 455. Trespass on Land or Buildings.

Whoever trespasses upon the land, or building, or factory, or other real property of another with the purpose of unlawfully occupying the same or to benefit in any way therefrom, shall be punished by a penalty of detention for a period not exceeding two years or of a fine not exceeding one hundred pounds.

Proceedings shall be instituted upon the complaint of the person injured.

Both penalties shall be applied and proceedings shall not be dependent upon the complaint of the person injured if the offence is accompanied by the use of violence or threats against persons or if the offence is committed by a band of ten or more persons.

ARTICLE 456. Forcible Interference in Possession of Immovables.

Whoever disturbs the peaceful possession by another of an immovable by the use of threats or violence against persons shall be punished by a penalty of detention for a period not exceeding two years and of a fine not exceeding one hundred pounds.

ARTICLE 457. Destruction of Property.

Whoever destroys, disperses, depreciates, or makes useless any movable or immovable property, either wholly or partly, shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding one hundred pounds. Proceedings shall be instituted upon the complaint of the person injured.

The penalty shall be detention for a period of not less than six months and the institution of proceedings shall not depend upon the complaint of the person injured if the act is accompanied by any of the following circumstances:-

1. By the use of violence or threats against persons;

If the act is directed against public buildings or buildings appropriated for the use of the public or for the practice of religious rites, or agaist the things indicated in paragraph 5 of the first part of Article 446 of this Code;

2. If the act is directed against structures prepared for irrigation;

If the act is directed against vines or fruit-bearing trees or against plantation, woods, forests, or nurseries therefor.

ARTICLE 458. Pasturing of Animals on the Land of Another.

Whoever enters his animals upon the uncultivated land of another, or leaves the same thereon, to pasture shall be punished by a penalty of fine not exceeding fifty pounds.

If the act occurs upon cultivated land then shall the penalty be detention to the extent of one year or a fine not exceeding one hundred pounds.

Proceedings may not be instituted except upon the complaint of the person injured.

ARTIBLE 459. Entry Upon Land of Another by Stealth.

Whoever wrongfully enters the property of another, that property being a closed place not being intended for habitation, or land surrounded by a ditch or fence or wall of whatever nature shall be punished by a penalty of fine not exceeding twenty pounds and that upon the complaint of the person injured.

ARTICLE 460. Killing or Maiming of Animals.

Whoever, without justification, intentionally kills or renders unfit for service or in any way injures an animal belonging to another shall, upon the complaint of the party injured, be punished by a penalty of detention for a period not exceeding two years or of a fine not exceeding fifty pounds.

The penalty shall be detention for a period of not less than six months if the act is committed upon cattle in a herd or upon a cow, horse, or camel, although not in a herd, and in these circumstances the institution of proceeding shall not depend upon the complaint of the person injured.

No penalty shall be imposed if the act is committed upon birds while they are causing damage to the land of him who commits the act.

CHAPTER 2.

OFFENCES BY FRAUD

ARTICLE 461. Cheating.

Whoever obtains for himself or another unlawful gain to the injury of another by the use of fraudulent means shall be punished by a penalty of detention and of a fine not exceeding fifty pounds.

The penalty shall be imprisonment for a period not exceeding four years if the act causes injury to the State or to any other public body.

ARTICLE 462. Drawing Cheques Upon Insufficient Funds.

Whoever in bad faith gives a cheque not having a balance upon which to draw the same or having a balance of less than the value of the cheque or having withdrawn the whole or part of the balance after giving the cheque, so that the remainder thereof is insufficient to meet the value of the cheque, or in bad faith orders the person upon whom the cheque is drawn not to pay the same, shall be punished by a penalty of fine not exceeding fifty pounds.

The same penalty shall apply to whomsoever in bad faith drawn a cheque wherein is not mentioned the name, or order for payment without restriction, or the name of the Bank upon which it is drawn, or the date or place of issue, or who draws the same as at a false date, or renders himself the drawee, unless the cheque is drawn upon different establishment belongin to the drawer.

Imprisonment for a period not exceeding one year may be imposed if the seriousness of the act appears to the Court to justify so doing.

ARTICLE 463. Undue Influence Upon Incapacitated Persons.

Whoever, to secure a gain for himself or another, and taking advantage of the needs, passions, or inexperience of a person under the age of twenty-one years, or taking advantage of the infirmity or mental deficiency or bodily infirmity of another, induces him to do any act which has any prejudicial legal effect whatever for him or others, shall be punished by a penalty of imprisonment of between three months and six years and of a fine of between twenty and one hundred pounds.

The penalty shall be increased by not more than a third if the offender was entrusted with the custody or supervision of the person injured.

ARTICLE 464. Usury.

Whoever, taking advantage of the needs or weakness or passions of another, lends him money or gives him any other movable and induces him to pay or to promise to pay in whatsoever manner excessive rates of interest or any other advantage not commensurate with what has been lent or given, shall be punished by a penalty of imprisonment for a period not exceeding three years and of fine not exceeding one hundred pounds.

The same penalty shall apply to anyone who habitually gives money in whatsoever manner against usurious interest, irrespective of the circumstances provided for by the first paragraph of this Article.

ARTICLE 465. Misappropriation.

Whoever, in whatever capacity, has in his possession money or any other movable, the property of another, and misappropriates the same for the purpose of obtaining gain for himself or for another, shall be punished by a penalty of imprisonment for a period not exceeding three years and of a fine not exceeding one hundred pounds. Proceedings shall not be instituted except upon the complaint of the person injured.

If the things were in the custody of the offender as bailee of necessity, or if the offence is committed by abuse of authority, or domestic relationship, or of the relationship imposed by office, service, co-habitation, or hospitality, then shall the

penalty be increased by an amount not exceeding a half and the institution of proceedings shall not be dependent upon the complaint of the person injured.

CHAPTER 3.

General Provisions

ARTICLE 466. **Institution of Proceedings Against Kindred and Their Exemption from Punishment.**

Proceedings in respect of any of the offences provided for in this Title shall not be instituted if the offender committed the same against a spouse or ascendant or descendant living with him; if they were not living with him then no proceedings shall be instituted except upon the complaint of the person injured.

The provisions of this Article shall not apply to offences relating to property unless, in their commission, violence against persons is used.

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BOOK FOUR

CONTRAVENTIONS

TITLE I.

Contraventions Relating to Public Order.

ARTICLE 467. Contraventions of Orders of Authority.

Whoever contravenes a lawful order issued by an Authority for the preservation of Justice or Public Security, order or health shall be punished by a penalty of detention not exceeding one month or of a fine not exceeding five pounds.

ARTICLE 468. Refusal of Information as to Identity.

Whoever refuses to give information as to his identity, personal status, or any other personal quality at the request so to do by a public official acting in the exercise of his office shall be punished by a penalty of detention for a period not exceeding one month or of a fine not exceeding five pounds.

ARTICLE 469. Refusal to Give Assistance Upon Occurrence of Disturbances.

Whoever, without lawful excuse, refuses to give assistance or to do what is required of him by a public official in the exercise of his office, upon the concurrence of a disturbance or any other public danger or during the commission of an offence or who refuses to state what he knows or to give the information demanded of him in the aforesaid circumstances, shall be punished by a penalty of detention for a period not exceeding two months or of a fine not exceeding ten pounds.

If the statemtnt or information given by the offender is false then shall the penalty be detention for a period of from one to three months or a fine not exceeding twenty pounds.

ARTICLE 470. Seditious Cries and Demonstrations.

Whoever in a public place or in a place open to the public or to which the public has access, demonstrates or utters seditious cries, shall be punished by a penalty of detention for a period not exceeding six months, provided no more grave offence arises as the result of the act.

ARTICLE 471. Cries or Calls to the Disturbance of the Public or Private Peace.

Whoever by clamour or by the mis-use of instruments of sound or of the means of increasing sound, or by exciting or not preventing the noise of animals, disturbs the occupations or repose of persons, or disturbs assemblies or public places or places of

amusement, shall be punished by a penalty of detention for a period not exceeding one month or of a fine not exceeding ten pounds.

The same penalty shall apply to whomsoever announces news by loud cries thereby disturbing the repose of the public or private persons if the announcement is accompanied by the circulation or distribution of writing or pictures in a public place or place which is open or to which the public has access.

ARTICLE 472. Disturbance of Persons or their Repose.

Whoever disturbs another or the repose of another in a public place or open place or place to which the public has access or disturbs persons or their repose by the wanton use of the telephone, or by its use in any other manner, shall be punished by a penalty of detention for a period not exceeding two months or of a fine not exceeding twenty pounds.

ARTICLE 473. Destroying Posters.

Whoever tears a poster or picture, posted or hung by permission of the appropriate Authority, or who renders it illegible or unserviceable shall be punished by a penalty of fine not exceeding ten pounds.

ARTICLE 474. Itinerant Hawkers.

Whoever carries on the trade of an itinerant hawker without licence from the appropriate Authority, or who does not comply with the conditions stipulated by law for the exercise of that trade, shall be punished by a penalty of detention for a period not exceeding one month or of a fine not exceeding ten pounds.

The same penalty shall apply to a parent or guardian who employs a juvenile under the age of eighteen years to carry on the said trade, the said juvenile not being in possession of a licence to do so, or the said juvenile not complying with the conditions stipulated by law for the carrying on of that trade.

ARTICLE 475. Begging.

Whoever begs in a public place or place open to the public in a scaring or despicable manner or by feigning sickness or deformity or by the use of conjuring shall be punished by a penalty of detention for a period not exceeding three months.

ARTICLE 476. Refusal of Money in Legal Currency.

Whoever refuses to receive at its legal value money legally current in the Libyan Kingdom shall be punished by a penalty of fine not exceeding ten pounds.

TITLE II.

Contraventions Relating to the Public Peace

ARTICLE 477. Manufacture of Arms or Trading in the Same Without Licence.

Whoever, without licence, manufactures arms or brings them into Libya or sends them out of Libya or offers them in any manner for sale, or collects them for trade or manufacture, shall be punished by a penalty of detention for a period not exceeding one year and of a fine not exceeding fifty pounds.

ARTICLE 478. Unlawful Possession of Arms.

Whoever has in his possession arms or ammunition and does not inform the Authorities of the same shall be punished by a penalty of detention for a period not exceeding six months or of a fine not exceeding ten pounds.

ARTICLE 479. Refusal to Deliver Up Arms.

Whoever disobeys a lawful order issuing from the competent Authority to deliver up arms or ammunition in his possession during a specified period therefor shall be punished by a penalty of detention for a period not exceeding one year or of a fine of between ten and twenty pounds.

ARTICLE 480. Carrying Arms Without Licence.

Whoever carries arms outside his dwelling place or its appurtenances without licence to do so from the Authorities shall be punished by a penalty of detention for a period not exceeding one year.

The penalty shall be increased by not more than one third if the act is committed in a place of meeting or assembly or by night in an inhabited Quarter.

ARTICLE 481. Measures of Security.

In the circumstances provided for by the preceding Articles the person convicted may be subjected to measures of security.

ARTICLE 482. Neglect in Control of Arms.

Whoever, although licensed to carry arms, does any of the following acts shall be punished by a penalty of fine not exceeding twenty pounds:-

1. Delivers an arm to a juvenile of less than fourteen years of age, or to a person incapable or inexperienced in the use of arms or permits such persons to carry the same;
2. Fails to take the necessary precautions to prevent any of the persons mentioned in the preceding number from easily reaching or gaining possession of any arms under his control;

3. Carries a loaded gun in a place of meeting or assembly.

ARTICLE 483. Fireworks.

Whoever, in an inhabited Quarter, or in places adjacent thereto, or on a public highway, or in the direction of a public higheay, discharges arms, or sets fire to fireworks or lets off rockets, or causes any dangerous fire or explosion, without licence from the Authorities shall be punished by a penalty of fine not exceeding ten pounds.

If the act is committed in a place of meeting or assembly then shall the penalty be detention for a period not exceeding three months.

ARTICLE 484. Definition of Arms.

For the purposes of the preceding provisions the expression "arms" shall mean:-

1. Firearms and any others prepared for the purpose of injuring others;

2. Bombs and any kind of device or container for holding explosive materials, or explosive materials themselves, and asphyxiating gases or gases used in war or any injurious gases.

ARTICLE 485. Failure to Place Signs or Barriers and Removal of Same.

Whoever fails to place signs or barriers which are required so to be placed by law or regulation upon a public highway for the prevention of danger to the public, or who removes the same, or who extinguisheds lamps placed as signals to warn against danger, shall be punished by a penalty of detention for a period not exceeding three months or of a fine not exceeding ten pounds.

The penalty shall be increased by an amount not exceeding one third if the signs or barriers are placed in their position at the instance of a public Authority or if the lamps are for the purpose of public illumination.

ARTICLE 486. Throwing of Dangerous Things.

Whoever throws, discards, or pours anything likely to harm, soil, or molest persons in a public highway or a private place used in common or privately, or who causes conditions not sanctioned by law by permitting to escape gas, vapour, or smoke likely to have the effects aforementioned, shall be punished by a penalty of detention for a period not exceeding one month or of a fine not exceeding five pounds.

ARTICLE 487. Placing Things in a Dangerous Manner.

Whoever, without due precautions, places or hangs things which if they fall in a public highway or in a private place used in common or privately are likely to harm, soil, or molest persons,

shall be puhisned by a penalty of fine not exceeding five pounds.

ARTICLE 488. Failure to do Necessary Works Upon Ruinous Buildings.

Any owner of a building which threatens to become ruinous, and anyone acting on his behalf who is responsible for the safety of the building or its supervision, who neglects to take the necessary steps to prevent to threatened danger shall be punished with a penalty of fine of between five and twenty pounds.

ARTICLE 489. Failure to Control Animals or Vehicles or to Take Due Care of Them.

Whoever has in his possession dangerous animals and permits the same to be at large or who fails to take the necessary measures to control them or who entrusts them to an inexperienced person, shall be punished by a penalty of detention for a period not exceeding three months or of a fine not exceeding twenty pounds.

The same penalty shall apply to the following persons:-

1. Whoever in an open place leaves unattended or in any way permits to be uncontrolled, or tethers or drives in a manner endangering the public, or entrusts to an inexperienced person, any beast of draft or burden or any beast used for racing;

2. Whoever excites or enrages animals in such a manner as to endanger persons;

3. Whoever drives a vehicle on the road or in a public place or place open to the public, in such a manner as to endanger persons or things, or who leaves the same, although only for a short period, without taking the necessary measures for safety.

ARTICLE 490. Neglect in the Custody of Mental Defectives and Juveniles.

Whoever is entrusted with the custody of a mentally defective person or a juvenile of under the age of seven years and who abandons the said person or allows him to escape and does not immediately inform the appropriate authority thereof shall be punished by a penalty of fine not exceeding twenty pounds.

ARTICLE 491. Custody of Mental Defectives or Juveniles Without Licence.

Whoever receives into his custody a person whom he knows to be afflicted with mental infirmity and does not immediately inform the appropriate authority thereof, or whoever causes a juvenile to be

placed in the public reformatory for juveniles without obtaining the necessary permit therefor, or who lets free any such person under conditions not sanctioned by law, shall be punished by a penalty of fine not exceeding twenty pounds.

TITLE III.

Contraventions Relating to Public Morals.

ARTICLE 492. Setting up of Equipment for Games of Hazard.

Whoever sets up equipment for the playing of games of hazard in a public place or place to which the public has access and offers a reward for the use thereof shall be punished by a penalty of detention for a period not exceeding six months and of a fine not exceeding fifty pounds.

In the case of a Habitual offender he may be released under supervision.

ARTICLE 493. Playing of Games of Hazard.

Whoever, in a public place or open place to which the public has access, is found playing a game of hazard under conditions not provided for by the preceding Article shall be punished by a penalty of detention for a period not exceeding one month or of a fine not exceeding ten pounds.

ARTICLE 494. Accessory Penalty.

In all Contraventions relating to the playing of games of hazard all money used in the game and all implements and things used for the game shall be confiscated.

ARTICLE 495. Definition of Games of Hazard.

For the purposes of the preceding Articles games of hazard are those which are played with the object of gain and in which gain or loss is entirely or nearly entirely dependent upon chance.

For the purpose of the preceding Articles also gaming houses shall be taken to be places where people meet for the purpose of playing games of hazard, even though the said place is a private place or even if the object of the games is disguised under any sembla nce whatever.

ARTICLE 496. Lotteries.

Whoever organises a lottery without permission shall be punishable by a penalty of detention for a period not exceeding six months and of a fine not exceeding fifty pounds.

The money and things offered with the lottery shall be confiscated.

ARTICLE 497. Manifest Drunkenness.

Whoever is found in a public place or open place to which the public has access in a manifest state of drunkenness shall be punished by a penalty of detention for a period not exceeding three months or of a fine not exceeding ten pounds.

The penalty shall be doubled if the offender is an habitual drunkard.

ARTICLE 498. Offering Spirituous Liquor to Juveniles or to Mentally Defective Persons.

If the owner of a bar or public place or open place to which the public has access, the said bar or place being prepared for the purpose of offering food or alcoholic drink, offers spirituous liquor to a juvenile whose age does not exceed sixteen years, or offers the same to a person afflicted with mental disease or afflicted with mental deficiency by reason of any other infirmity, or offers the same to a nyone manifestly drunk, he shall be punished with a penalty of detention for a period of between three months and one year.

ARTICLE 499. Blasphemy.

Whoever publicly utters unseemly expressions against the Divinity or the Apostle of God or the Prophets or things sacred to the State religion shall be punished by a penalty or fine not exceeding ten pounds.

ARTICLE 500. Offering a nd Trading in Indecent Things.

Whoever exposes to the public view or offers for sale or distributes in a public place or open place to which the public has access, writings or pictures or other things which offend against public decency shall be punished by a penalty or fine of between one a nd ten pounds.

ARTICLE 501. Indecent Acts and Obscene Language.

Whoever does an a ct contrary to public decency in a public place or a place open or exposed to the public shall be punished by a penalty of detention for a period not exceeding one month or of a fine not exceeding ten pounds.

Whoever utters obscene words in a public place or a place to which the public has access shall be subject to a penalty or fine not exceeding five pounds.

ARTICLE 502. Cruelty to Animals.

Whoever is cruel to a n animal or ill-uses the same without justification or overloads the same or manifestly overworks the same shall be punished by a penalty or fine not exceeding five pounds.

TITLE IV

CONTRAVENTIONS RELATING TO THE PUBLIC PROTECTION OF PROPERTY

ARTICLE 503. Unlawful Possession.

Whoever, having been convicted of an offense relating to property or of an offence of which the object was gain, is found in possession of money or other things not appropriate to his status and is una ble to prove the legality of his possession thereof shall be punished by a penalty of detention for a period not exceeding three months.

If the offender is found in possession of altered or counterfeit keys or of genuine instruments suitable for opening or breaking locks and is una ble to prove that the same are in his possession for a lawful purpose he shall be punished by a penalty of detention for a period not exceeding six months. The money or other things shall be confiscated.

ARTICLE 504. Counterfeiting Keys or Selling Keys or Instruments for Breaking or Opening Without Licence.

Whoever, sells or delivers to any person whatever instruments for opening or manufactures duplicates of a key of a ny kind for a person other than the owner thereof or his Agent, shall be punished by a penalty of detention for a period not exceeding six months and of a fine not exceeding ten pounds.

If the offender is a blacksmith or maker of keys the penalty shall be increased by an amount not exceeding one third.

ARTICLE 505. Purchase of Things of Doubtful Origin.

Whoever, without first having ascertained their lawful origin, purchases or receives in any manner whatever things which by their quality or by the condition of the person who offers them or by the price thereof give grounds for suspicion that they derive from an offence, shall be punished by a penalty of detention for a period not exceeding one year or of a fine not exceeding thirty pounds.

The same penalty shall apply to anyone who takes any steps whatever to acquire or receive the said things without having first ascertained their lawful origin.

ARTICLE 506. Possession of Illegal Measures.

Whoever, in the exercise of a trade or in a place for trade open to the public, has in his possession measures or weights not complying with those prescribed by law or who uses measures or weights without complying with the provisions of the law shall be punished by a penalty of a fine not exceeding five pounds.

ARTICLE 507. Regulations.

Whoever contravenes the Police Regulations Issuing from the Public, Municipal, or Local Administration shall be punished by the penalties prescribed by those regulations, provided that the period of detention shall not exceed one week and the fine ten pounds, and if the penalty prescribed by the said Regulations exceeds the maximum herein prescribed then shall the penalty be reduced thereto.

If the Regulations do not prescribe a penalty then shall anyone who contravenes the same be punished by a penalty of fine not exceeding one pound.

END OF CODE

THE LIBYAN PENAL CODE.

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Inverted Commas Indicate Definitions. Numbers refer to Articles.

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